

JIM GIBBONS  
Governor

## STATE OF NEVADA



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## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING December 15, 2010

#### **CALL TO ORDER:**

Hearing Officer Drake called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, December 15, 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. Donald Drake, Hearing Officer  
Mr. Jim Alexander, Board Member  
Mr. Kevin Burke, 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 December 9, 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: DONALD DRAKE**

#### **1. DISCIPLINARY HEARING:**

**CHRISTOPHER HOMES, LLC**, License No. 51938

**CHRISTOPHER COMMERCIAL, LLC**, License 57851

**J. CHRISTOPHER STUHMER, INC.**, License No. 21076

Licensee was present with counsel, Frank Flansburg, Esq.

Three witnesses testified for the Board.

One witness testified for the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A letter from Pengilly, Robbins, Slater and Bell dated December 14, 2010.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's Motion to Dismiss or In The Alternative, to Continue Hearing Date dated December 10, 2010.

Exhibit B – Multiply lien releases.

**Hearing Officer Drake found Respondent guilty of three (3) violations of NRS 624.3012(4) failure to obtain the discharge of any lien recorded against property to be improved by a construction project for the price of materials or services rendered when the contractor has received sufficient money as payment for the project, within 75 days after recording the lien; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for each of the First, Second and Third Causes of Action; a fine of \$500.00 for the Fourth Cause of Action for total fines of \$3,500.00 and investigative costs of \$2,734.00. The Fifth, Sixth, Seventh and Eighth Causes of Action were dismissed. Fines and costs are to be paid within thirty (30) days of the December 15, 2010 Board Hearing or license number 51938, Christopher Homes, LLC, license number 57851, Christopher Commercial, LLC and license number 21076, J. Christopher Stuhmer, Inc. will be suspended. A current audited/reviewed financial statement with full disclosures and a bank verification form for all cash accounts that supports the license limit is due within ninety (90) days of Hearing. If the financial statement provided does not support the license limit, the license limit shall be lowered to the amount the financial statement supports. If a financial statement is not provided within ninety (90) days of the Hearing, the license shall be suspended.**

**ADJUDICATING BOARD MEMBER: KEVIN BURKE**

**2. DISCIPLINARY HEARING:**

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

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

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – Respondent's Settlement Agreement with Crescent Electric Supply Company dated December 14, 2010.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's letter to the Board dated November 17, 2010.

Exhibit B – Respondent's letter to the Board dated December 2, 2010.

**Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service. Respondent was assessed a fine of \$1,000.00 for**

the First Cause of Action and investigative costs of \$1,356.00. Fines and costs are due within thirty (30) days of the December 15, 2010 Board Hearing or license number 38140, Kevin Lee Robinson, Owner, dba Hunter Electric and license number 30505, Kevin Lee Robinson, Owner, dba Kevco Construction and Design will be suspended. License numbers 38140 and 30505 are placed on

probation for two (2) years and a business review is ordered. If Licensee fails to comply with the payment agreement with Crescent Electric Supply Company, the licenses shall be suspended until such time as payment is made.

**3. DISCIPLINARY HEARING:**

**R & B BLDG., LLC**, License No. 70866

Licensee was present.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – City of Las Vegas Investigation Inspection dated December 6, 2010.

Exhibit 3 - City of Las Vegas Fire Prevention Permit/Hard Card for M & M Electric, Inc.

The following Respondent's Exhibits were entered:

Exhibit A – A letter from Respondent to the Board dated November 9, 2010.

Exhibit B – A letter from Respondent to Yolanda Duke dated November 9, 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 624.3015(1) acting beyond scope of license; one (1) violation of NRS 624.3011(1)(b)(1) disregard of the building laws of the state; 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. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$50.00 for each of the Second and Fifth Causes of Action; a fine of \$2,000.00 for the Third Cause of Action; a fine of \$1,000.00 for the Fourth Cause of Action for total fines of \$3,600.00 and investigative costs of \$1,688.00. Licensee must pay \$500.00 per month until all fines and costs are paid or license number 70866, R & B Bldg., LLC shall be suspended.**

**4. DISCIPLINARY HEARING – DEFAULT ORDERS**

**a. OPTIMUM AIR, INC.**, License No. 52205

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**Hearing Officer Burke found Respondent Optimum Air, Inc., license number 52205 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr.**

Clotfelter 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 624.3016(7) misrepresentation or omission of a material fact or fraudulent or deceitful act to obtain a license; 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 \$750.00 for the Second Cause of Action; a fine of \$500.00 for the Third Cause of Action for total fines of \$1,500.00 and investigative costs in the amount of \$1,314.00.

License number 52205 is 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. COLE MORGAN HELLER, OWNER, dba, PROVIDENTIAL DEVELOPMENT CONSTRUCTION** , License No. 68778

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Cole Morgan Heller, Owner, dba Providential Development Construction, license number 68778 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Heller 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; one (1) violation of NRS 624.3013(5), set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; 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 \$500.00 for each of the First, Second Fourth and Fifth Causes of Action; a fine of \$100.00 for the Third Cause of Action for total fines of \$2,100.00 and investigative costs in the amount of \$1,299.00. License number 68778 is 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. ICEBERG REFRIGERATION AND AIR CONDITIONING, INC., dba ICEBERG AIR CONDITIONING AND HEATING**, License No. 41715

Licensee was 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 – Respondent's fax to the Board dated December 7, 2010.

Hearing Officer Burke found Respondent Iceberg Refrigeration and Air Conditioning, Inc., dba Iceberg Air Conditioning and Heating, license number 41715 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Lee 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 \$1,170.00. Fines and costs are due within thirty (30) days of the December 15, 2010 Board Hearing or license number

41715, Iceberg Refrigeration and Air Conditioning, Inc., dba Iceberg Air Conditioning and Heating will be suspended. A current compiled financial statement with bank verification form for all cash accounts that supports the license limit to be provided within thirty (30) days of Hearing. If the financial statement provided does not support the license limit, the license limit shall be lowered to the amount that the financial statement supports. If a financial statement is not provided with thirty (30) days of Hearing, the license shall be suspended.

**d. KENZI CONSTRUCTION, INC.,** License No. 6891

Licensee was not present

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke dismissed the Complaint. SCP Distributors were paid in full. A letter from William Abelman stated that the company has ceased doing business in Nevada. It was requested that the qualified individuals, Paul Robert Helms and Jerry L. Helms be disassociated with the license as they have not been associated with the license in a long time. Hearing Officer Burke ordered the disassociation for the Helms. License number 6891, Kenzi Construction, Inc. is cancelled, not renewed.

**e. S. B. B. PLASTERING, LLC,** License No. 64148

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent S. B. B. Plastering, LLC, license number 64148, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Bonetti 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 624.3011(1)(b)(1) willful disregard of the laws of the state; 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 for each of the First and Third Causes of Action; a fine of \$500.00 for each of the Second and Fourth Causes of Action for total fines of \$1,500.00 and investigative costs in the amount of \$1,371.00. License number 64148 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. NEVADA INSTALLATION SERVICES, LLC, dba NEVADA INSTALLATION SERVICES – DIVISION OF SERVICE WEST,** License No. 73449

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Nevada Installation Services, LLC, dba Nevada Installation

Services – Division of Service West, license number 73449, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Vignoles 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 \$1,341.00. License number 73449 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 Burke at 11:55 a.m.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Kevin Burke, Hearing Officer

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Donald Drake, Hearing Officer