

BRIAN SANDOVAL
Governor

STATE OF NEVADA



MEMBERS

Kevin E. Burke, Chairman
Thomas "Jim" Alexander
Donald L. Drake
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn
Guy M. Wells

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

March 23, 2011

REPLY TO:

Southern Nevada
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Henderson, Nevada 89074
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9670 Gateway Drive, Suite 100
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CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, March 23, 2011, 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. Guy Wells, Hearing Officer
Mr. Thomas "Jim" Alexander, Board Member
Mr. Donald Drake, Board Member

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Daniel Hammack, Chief of Enforcement
Mr. George Lyford, Director of Investigations

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 March 16, 2011, 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: GUY WELLS

1. DISCIPLINARY HEARING:

FLAMINGO TILE, INC., License No. 43301A

Licensee was present with counsel, Donald Williams, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated February 16, 2011.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,415.00. Fines and costs must be paid within sixty (60) days of the March 23, 2011 Board Hearing or license number 43301A, Flamingo Tile, Inc., will be suspended.

2. DISCIPLINARY HEARING:

SOUTH TECH CONSTRUCTION CORP., License Nos. 39606A, 73090, 73092

HALLET COMPANIES, LLC, License Nos. 74094, 74095

TOM E. HALLET, Owner, dba TOM E. HALLET, License No. 39606

Licensee was present with counsel, Luis Ayon, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits

Exhibit A – Respondent's Answer to the Board's Complaint dated March 16, 2001.

Exhibit B – A letter from Luis Ayon, Esq. to the Board dated March 16, 2011.

Exhibit C – A second letter from Luis Ayon, Esq. to the Board dated March 16, 2011 stipulating to the revocation of the licenses.

Hearing Officer Wells found Respondent guilty of two (2) violations of NRS 624.302(2) failure to comply with a written citation from the Board; 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. The Licensee stipulated to the revocation of license numbers 39606A, 73090 and 73092, South Tech Construction Corporation and license numbers 74094 and 74095, Hallet Companies, LLC. Licensee stipulated to the reduction of the license limit for license number 39606 to \$250,000.00. Hearing Officer Wells accepted the stipulated revocation of all the above licenses and the lowering of the license limit to \$250,000.00 for license number 39606. License number 39606 shall be suspended until a current financial statement with a bank verification for all cash accounts that supports the new license limit of \$250,000.00 is received at the Board offices. Fines and costs were not assessed as the Respondent is in Bankruptcy.

3. DISCIPLINARY HEARING:

UNITED SOLAR ENERGY, INC., dba UNITED CUSTOM POOLS AND SPAS, License No. 52771

UNITED SOLAR ENERGY, INC., License Nos. 43928, 30600A

Licensee was present with counsel, Eugene Backus, Esq.

Homeowner, Fred Nassiri was present.

This matter was continued to April 20, 2011.

4. DISCIPLINARY HEARING: (Continued from February 23, 2011)

R. W. STUCCO, INC., License No. 29409

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Respondent stipulated to the First and Second Causes of Action. Hearing Officer Wells found Respondent guilty of one (1) violation NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board. The Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs of \$2,099.00. License number 29409, R. W. Stucco, Inc. shall remain suspended until such a time that a current financial statement with bank verification for all cash accounts that supports the license limit is provided and the fines and costs are paid.

5. DISCIPLINARY HEARING: (Continued from February 23, 2011)

LEGACY WOODWORKS, LLC, License No. 71377

Licensee was present.

Three witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A job invoice dated November 19, 2009.

Exhibit 3 – A time line of events provided from Lawrence and Alice Olson.

Exhibit 4 – A letter dated September 9, 2010 from Lawrence and Alice Olson to the Respondent.

The following Respondent's Exhibits were entered:

Exhibit A – The Respondent's Answer to the Board's Complaint dated March 8, 2011.

Hearing Officer Wells found Respondent guilty of one (1) violation 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(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 and Fifth Causes of Action; a fine of \$100.00 for the Third Cause of Action for total fines of \$1,600.00 and investigative costs of \$1,951.00. License number 71377, Legacy Woodworks, LLC shall remain suspended until such a time that a current financial statement with bank verification for all cash accounts that supports the license limit is provided and the fines and costs are paid.

6. DISCIPLINARY HEARING: (Stipulated Revocation)**a. JOHN THOMAS LANSFORD, Owner, dba JOHN T. LANSFORD, License No. 51996**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – Respondent's letter to the board dated March 11, 2011 stipulating to the revocation of the license due to financial insolvency.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.302(1)(a) contracting or submitting a bid if license has been suspended or revoked; 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 stipulated to the First and Second Causes of Action. Respondent was assessed a fine of \$500.00 for each of the Second, Fifth and Sixth Causes of Action, for total fines of \$1,500.00 and investigative costs of \$1,515.00. License number 51996, John Thomas Lansford, Owner, dba John T. Lansford, was revoked. If Respondent does not have any pending bankruptcy issues from the time the Complaint was received to today's Hearing date, the fines and costs shall be owed. If Respondent does have pending bankruptcy issues the fines and costs are waived.

7. DISCIPLINARY HEARING – DEFAULT ORDERS**a. SCOTT WILLIAMS, Owner, dba CREATIVE OUTDOORS, License No. 51886**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter from Scott Williams to the Board dated March 21, 2011.

Hearing Officer Wells found Respondent Scott Williams, Owner, dba Creative Outdoors, license number 51886 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Williams 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), 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 624.3015(1) acting beyond scope of 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 \$500.00 for each of the First, Second, Fourth and Sixth Causes of Action; a fine of \$100.00 for the Third Cause of Action; a fine of \$250.00 for the Fifth Cause of Action for total fines of \$2,350.00 and investigative costs in the amount of \$1,690.00. License number 51886, Scott Williams, Owner, dba Creative Outdoors 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. MIDWEST LANDSCAPE DESIGNS, License No. 64139

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Midwest Landscape Designs, license number 64139 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative

complaint. Mr. Johlfs was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) willful disregard of the industrial insurance laws of the State; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.302(5) failure to comply with 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 \$500.00 for each of the First, 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 \$2,000.00 and investigative costs in the amount of \$1,243.00. License number 64139, Midwest Landscape Designs 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. KEYSTONE ELECTRIC, LLC, dba CORNERSTONE ELECTRIC, License No. 61012

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Keystone Electric, LLC, dba Cornerstone Electric, license number 61012 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Hunt 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 for total fines of \$1,000.00 and investigative costs in the amount of \$1,324.00. License number 61012, Keystone Electric, LLC, dba Cornerstone Electric 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. NEW VIEW FLOORING, LLC, License No. 72261

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent New View Flooring, LLC, license number 72261 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Elmoutassir 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), 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(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for each of the First, Second and Fifth 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 \$1,850.00 and investigative costs in the amount of \$2,668.00. License numbers 72261, New View Flooring, LLC, 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.

e. STURGIS CABINETS, INC., License No. 59153

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Sturgis Cabinets, Inc., license number 59153 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Sturgis was found guilty of 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. 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 \$1,234.00. License number 59153, Sturgis Cabinets, Inc. 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. HENRY ARMIJO, Owner, dba New Vision Electric, License No. 52895

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Henry Armijo, Owner, New Vision Electric, license number 52895 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Armijo was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) willful disregard of the industrial insurance laws of the State; one 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 \$500.00 for each of the First and Third Causes of Action; a fine of \$250.00 for the Second Cause of Action for total fines of \$1,250.00 and investigative costs in the amount of \$1,499.00. License numbers 52895, Henry Armijo, Owner, dba New Vision Electric 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.

g. GUARDIAN HEATING AND COOLING, LTD., License No. 43539

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Guardian Heating and Cooling, Ltd., license number 43539 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Carraher was found guilty of 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 624.3013(5), as set forth in NRS 624.640(3) failure to notify Board of change of address or personnel. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action; a fine of \$250.00 for the Third Cause of Action for total fines of \$1,250.00 and investigative costs in the amount of \$1,275.00. License numbers 43539, Guardian Heating and Cooling, Ltd. 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. HENDERSON BROTHERS INVESTMENTS, INC., LLC, dba KITCHEN WORLD, License No. 73982

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Henderson Brothers Investments, Inc., dba Kitchen World, license number 73982 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Henderson was found guilty of one (3) violations of NRS 624.3017(1) substandard workmanship; three (3) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; four (4) violation of NRS 624.301(1) abandonment of construction project; two (2) violations of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; eight (8) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; four (4) violations of NRS 624.3015(1) acting beyond scope of license; four (4) violations of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; eight (8) 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; eight (8) violations of NRS 624.302(5) failure to respond to a written request from the Board; two (2) violations of NRS 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; four (4) violations 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 624.302(1)(a) contracting or submitting a bid if license has been suspended or revoked; 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 \$1,000.00 for each of the First, Eleventh, Seventeenth, Twenty-First, Thirtieth, Thirty-Second, Thirty-Eighth, Forty-Third, and Forty-Eighth; a fine of \$500.00 for each of the Second, Third, Sixth, Tenth, Fourteenth, Twenty-Fourth, Twenty-Seventh, Thirty-First, Thirty-Third, Thirty-Fifth, Forty-Second, Forty-Fourth, Fifty-Third, Fifty-Fourth; a fine of \$250.00 for each of the Fourth, Seventh, Eighth, Ninth, Twelfth, Fifteenth, Sixteenth, Nineteenth, Twentieth, Twenty-Third, Twenty-Sixth, Twenty-Eighth, Twenty-Ninth, Thirty-Fourth, Thirty-Sixth, Thirty-Seventh, Fortieth, Forty-One, Forty-Sixth, Forty-Seventh, Fiftieth, Fifty-One, Fifty-Two; a fine of \$100.00 for each of the Fifth, Thirteenth, Eighteenth, Twenty-Second, Twenty-Fifth, Thirty-Ninth, Forth-Fifth and Forty-Ninth for total fines of \$22,550.00 and investigative costs in the amount of \$4,903.00. License numbers 73982, Henderson Brothers Investments, Inc., LLC, dba Kitchen World 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.

i. CURTIS FRAMING, LLC, License No. 60567

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 - A letter from the Respondent to the Board stipulating to the revocation of the license.

Hearing Officer Wells found Respondent Curtis Framing, LLC. license number 60567 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Curtis 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 for total fines of \$1,000.00 and investigative costs in the amount of \$1,322.00. License numbers 60567, Curtis Framing, LLC 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 Wells at 12:14 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Guy M. Wells, Hearing Officer