

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 May 24, 2011

REPLY TO:

Southern Nevada
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

www.nscb.state.nv.us

Northern Nevada
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Tuesday, May 24, 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. 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 May 18, 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: (Continued from April 20, 2011)

BAREFOOT POOL & SPA, License No. 60704

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A copy of a cashier's check payable to Steven Hardie in the amount of \$5,000.00.

Hearing Officer Wells found Respondent guilty of one (1) violation 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 624.3013(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. No fines were assessed. Investigative costs were assessed in the amount of \$1,855.00. The Respondent was ordered to pay Steven Hardie the remaining balance of \$3,789.50. Investigative costs and restitution is to be paid within ninety (90) days of the hearing or license number 60704, Barefoot Pools and Spa, shall be suspended. The Respondent provided a current financial statement that supports the license limit. The Respondent's license shall be reactivated.

2. DISCIPLINARY HEARING: (Continued from March 23, 2011 and April 20, 2011)

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.

Four witnesses testified for the Board.

Three witnesses testified for the Respondent.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – The March 28, 2011 Denial of Request for Full Public Board Hearing.

Exhibit 3 – Fifty-three photos taken by Board Investigator John White of the Nassiri project.

Exhibit 4 – An excerpt regarding the installation of ceramic tile from the Nevada Performance Guidelines dated August 31, 2009.

Exhibit 5 – An excerpt regarding the proper surface condition of a new pool substrate from the Nevada Plasterers Council Technical Manual, Sixth Edition.

Exhibit 6 – An Automatic Pool Filler Installation Manual Model #T-40-F provided by Pentair Pool Products.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated March 22, 2011.

Exhibit B – Respondent's Motion to Dismiss Disciplinary Complaint dated April 8, 2011.

Exhibit C – Respondent's Redesignation of Hearing Exhibits dated April 26, 2011.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; however, a fine was not assessed. The Third Cause of Action was dismissed. Investigative costs were assessed in the amount of \$5,267.00 and are due within thirty (30) days of the May 24, 2011 hearing or license number 52771, United Solar Energy, Inc., dba United Custom pools and Spas shall be suspended.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 1:11 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Guy M. Wells, Hearing Officer