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MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING JULY 20, 2004

1. CALL TO ORDER:

Chairman Randy Schaefer called the meeting of the State Contractors Board to order at 8:00a.m., Tuesday, July 20, 2004, 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. Randy Schaefer - Chairman
Ms. Margaret Cavin
Mr. David Clark
Mr. Spiridon Filios
Mr. Jerry Higgins
Mr. J. Brian Scroggins
Mr. Michael Zech

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Bruce Robb, Esq., Legal Counsel
Laura Browning, Esq., Legal Counsel

It was moved and seconded to amend the agenda, adding applications 1 - 13. **MOTION CARRIED.**

2. APPROVAL OF MINUTES: July 7, 2004

It was moved and seconded to approve the minutes of July 7, 2004. **MOTION CARRIED.**

3. SUMMARY SUSPENSION:

M. C. NEUFFER COMPANY, LICENSE NO. 36842

Mr. Lyford provided a summary of the cases against M. C. Neuffer Company.

It was moved and seconded to summarily suspend the license in the interest of public health and safety. **MOTION CARRIED.**

4. APPLICATION HEARING: (Continued from June 22, 2004)

COMMERCIAL AND REFRIGERATION EQUIPMENT SERVICE

Applicant was present.

This matter was continued from June 22, 2004.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

It was moved and seconded to approve the license application (C-21 D Maintenance) on a probationary status for one year with a monetary limit of \$15,000.00 and bond of \$10,000.00 contingent upon providing a copy of the discharge of bankruptcy documents filed by the respondent's attorney. MOTION CARRIED.

5. NEW APPLICATION INTERVIEW:

RAINMAKERS

Applicant was present.

It was moved and seconded to approve the license application (C-10 A, B Landscaping; Landscape Irrigation) with a monetary limit of \$15,000.00 and bond of \$5,000.00. MOTION CARRIED.

6. APPLICATIONS:

a. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 241.030)

It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters. MOTION CARRIED.

SOUTHWEST STEEL ERECTORS, LLC. (C-14 STEEL REINFORCING & ERECTION) NEW APPLICATION

Applicant was present.

It was moved and seconded to approve the license application. MOTION CARRIED.

M S & L, LLC., (A-GENERAL ENGINEERING) NEW APPLICATION, RECONSIDERATION

Applicant was present.

It was moved and seconded to table action on the application pending review of the bond claims. MOTION CARRIED.

The Board reviewed the remainder of the applications on the agenda.

It was moved and seconded to reopen the meeting to the public. MOTION CARRIED.

b. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:

It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff. MOTION CARRIED.

7. DISCIPLINARY RE-HEARING:

FOLIAGE UNLIMITED LANDSCAPING, LLC. LICENSE NO. 51274
DARYL BRYAN HANNA, dba VISIONSCAPES, LICENSE NO. 42780

Licensee was not present.

This matter was before the Board based on a petition for a re-hearing.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Exhibit 11 - Letter from Vincent Pisciueneri dated July 16, 2004 requesting a continuation.

Exhibit 12 - Statement from Vincent Pisciueneri dated July 13, 2004.

Exhibit 13 - Transcription of testimony from the February 24, 2004 Board Hearing.

Exhibit 14 - Decision and Order dated March 10, 2004.

It was moved and seconded to deny the request for continuation and to reaffirm the decision of February 24, 2004 by Hearing Officer Filios. **MOTION CARRIED.**

9. EXECUTIVE SESSION:

a. EXECUTIVE OFFICERS QUARTERLY REPORT – 06/30/04:

It was moved and seconded to approve the Executive Officers Quarterly Report. **MOTION CARRIED.**

b. APPROVAL OF CASH DISBURSEMENT AND TRANSFER JOURNALS – 04/01/04 – 06/30/04:

It was moved and seconded to approve the Cash Disbursement and Transfer Journal. **MOTION CARRIED.**

c. DEPARTMENTAL REPORTS:

LEGAL DEPARTMENT:

Ms. Browning and Mr. Robb provided a status report on pending litigation.

RECOVERY FUND:

Mr. Lyford and Mr. Hammack provided a status report of the Residential Recovery Fund and a summary of the claims filed against Curtis Construction.

PUBLIC COMMENT:

No one from the general public was present to speak.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 9:25a.m.

Respectfully Submitted,

Traci Greenlee, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Randall Schaefer, Chairman

ADJUCATING BOARD MEMBER: SPIRIDON FILIOS**11. DISCIPLINARY HEARING:****LEXIS CONSTRUCTION COMPANY**, LICENSE NO.52660

Licensee was present with Counsel, Mr. James Penguilly, Esq.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Exhibit 2 - Statement from Dee Anne Fultz.

Exhibit 3 - Three proposals from Artistic Painting, Inc.

Exhibit 4 - Invoice from Artistic Painting, Inc.

Exhibit 5 - Three checks from Dee Anne Fultz to Artistic Painting, Inc.

Hearing Officer Filios found the respondent Lexis Construction Company, Noah Aguirre, President, license number 52660 guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary limit on contract; NRS 3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice; NRS 624.3013(2) misrepresentation; NRS 624.3016(6) failure to comply with NRS 624.600; NRS 624.3012(3) failure to obtain discharge of lien. Mr. Aguirre is to comply with the Notice to Correct and to pay restitution to the homeowner in the amount of \$10,125.00. Mr. Aguirre was assessed a fine of \$100.00 for the Sixth, Seventh, Ninth and Tenth Causes of Action for a total fine of \$400.00. The Second, Third and Eighth Causes of Action were dismissed. Mr. Aguirre is required to pay full restitution to the homeowner and pay fines within 30 days from July 20, 2004 or license number 52660 will automatically be Suspended. Mr. Aguirre must provide release of the lien filed by Chameleon Paint within 30 days of July 20, 2004 or license number 52660 will be Suspended. Mr. Aguirre is to provide a list of all sub-contractors used on the project within 20 days from July 20, 2004 or license number 52660 will automatically be Suspended. A current financial statement prepared by a Certified Public Accountant is to be furnished within 25 days from July 20, 2004 or license number 52660 Lexis Construction Company, will automatically be Suspended.

12. DISCIPLINARY HEARING:**MICHAEL MASONRY, INC.**, LICENSE NO. 21463

Licensee was not present.

The Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Hearing Officer Filios found respondent Michael Masonry, Inc., Lidia Cicoria, President, license number 21463, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Cicoria was found guilty of NRS 624.3013(5), per NAC 624.263(3) failure to notify the Board of a bankruptcy; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.3013(5), per NAC 624.640(3) failure to notify the Board of address change. License number 21463, Michael Masonry, Inc. was Revoked. Ms. Cicoria is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,784.00 and any expenses that may be paid out of the Residential Recovery Fund.

13. DISCIPLINARY HEARING:**GREEN TREE DEVELOPMENT GROUP, LLC.** LICENSE NO. 49551

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Exhibit 2 - Documents received by the Nevada State Contractors Board from Green Tree Development Group, LLC. dated January 1, 2004.

Exhibit 3 – Minute entry from the May 21, 2002 Board Hearing and the Decision and Order related to prior discipline.

Hearing Officer Filios found respondent Green Tree Development Group, LLC., Robert K. Shawhan, Manager, license number 49551 guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), per NAC 624.700(3)(a) failure to comply with Notice to Correct; NRS 624.301(5) failure to comply with terms of the contract; NRS 624.3015(3) contracting with unlicensed person; NRS 624.3013(5), per NAC 624.640(6) failure to ascertain that each person whose bid on a construction project the licensee considers is properly licensed; NRS 624.3015(1) acting beyond the scope of the license; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(5), per NAC 640(5) failure to include license number and monetary limit on contract; NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice. Mr. Shawhan was assessed a fine of \$500.00 for the First, Third, Fifth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Causes of Action, a fine of \$50.00 for the Second, Fourth, Sixth and Fifteenth Causes of Action and a fine of \$100.00 for the Seventeenth Cause of Action for a total fine of \$4,300.00. The Sixteenth Cause of Action was dismissed. Investigative costs were assessed in the amount of \$3,991.00. Fines and costs are to be paid within 60 days from July 20, 2004 or license number 49551 will automatically be Revoked. Mr. Shawhan must pay restitution to the homeowner or comply with the Notice to Correct within 60 days from July 20, 2004 or license number 49551 will automatically be Revoked. Mr. Shawhan is to furnish a current financial statement prepared by a Certified Public Accountant. Mr. Shawhan and Mr. Rimer must pass the Construction Management exam within 60 days or license number 49551, Green Tree Development Group, LLC., will automatically be Revoked.

14. DISCIPLINARY HEARING:**WORK RIGHT CONSTRUCTION CO.,** LICENSE NO. 43374

Licensee was present with Counsel, Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Exhibit 2 - Letter from Scott Greenburg to Work Right Construction withdrawing his complaint.

Exhibit 3 - Estimate from homeowners Mr. and Mrs. Nussbaum stating the cost for repair of their residence.

The following Respondent Exhibits were entered:

Exhibit A – Binder containing copies of lien release, payment receipts and/or verification of payment, permits and Respondents advertising which was prepared by Respondents Counsel on behalf of Work Right Construction.

Hearing Officer Filios found Willie Joe Ryals, Jr., dba Work Right Construction Co., license number

43374 guilty of NRS 624.3016(6) failure to comply with NRS 624.600; NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), per NAC 624.700(3)(a) failure to comply with Notice to Correct; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3011(1)(b)(1) disregard of the Building Law of the State; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.3015(1) acting beyond the scope of the license; NRS 624.3015(3) contracting with an unlicensed person; NRS 624.3014(2)(a)(b)(d) aiding or abetting, combining or conspiring and acting as agent, partner or associate with an unlicensed person; NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice; NRS 624.3017(3) advertising beyond scope of license; NRS 624.3013(5), per NAC 624.640(3) failure to notify the Board of address change. Mr. Ryals was assessed a fine of \$250.00 for the Fourth, Sixth, Eighth, Tenth and Thirteenth Causes of Action, a fine of \$1,000.00 for the Fifth, Seventh, Ninth, Fourteenth, Fifteenth, and Twenty Seventh Causes of Action, a fine of \$500.00 for the Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty First, Twenty Second, Twenty Third, Twenty Fourth, Twenty Fifth and Twenty Sixth Causes of Action, a fine of \$100.00 for the Twenty Eighth and Twenty Ninth Causes of Action and a fine of \$50.00 for the Thirty First Cause of Action totaling \$13,000.00. The First, Second, Third, Eleventh, Twelfth and Thirtieth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$7,131.00. Fines and Costs are to be paid within 90 days from July 20, 2004 or license number 43374 will automatically be Revoked. Mr. Ryals must make restitution to the homeowners or comply with the Notice to Correct within 90 days from July 20, 2004 or license number 43374, Willie Joe Ryals, Jr., dba Work Right Construction Co. will automatically be Revoked.

15. DISCIPLINARY HEARING – DEFAULT HEARING:

SUNLAND LANDSCAPE, INC., LICENSE NO. 41793

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Hearing Officer Filios found respondent Sunland Landscape, Inc, David M. Reichert, President, license number 41793, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Reichert was found guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), per NAC 624.624.700(3)(a) failure to comply with Notice to Correct; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice; NRS 624.3015(1) acting beyond the scope of the license; NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary limit on contracts; NRS 624.3011(1)(b)(1) disregard of the Building Laws of the State. License number 41793 Sunland Landscape, Inc., was Revoked. Mr. Reichert is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$2,301.00 and pay any expenses that may be paid out of the Residential Recovery Fund.

PUEBLO LANDSCAPE COMPANY, INC., LICENSE NOS. 45406A AND 40367 AND PUEBLO CONCRETE CO., INC., LICENSE NO. 49050 AND SITE MANAGEMENT CORP., LICENSE NOS. 54158, 55029 AND 55030

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Hearing Officer Filios found respondent Pueblo Landscape Company, Inc., Ricardo Jimenez, President, license numbers 45406A and 50367, Pueblo Concrete Co., Ricardo Jimenez, President, license number 49050 and Site Management Corp., Ricardo Jimenez, President, license numbers 54158, 55029, and 55030, in default and adopted the Findings of Fact and Conclusions of Law as set

forth in the Administrative complaint. Mr. Jimenez was found guilty of NRS 624.3012(2) failure to pay for materials and services; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. License number 45406A and 50367 Pueblo Landscape Company, Inc., license number 49050, Pueblo Concrete Co., and license numbers 54158, 55029 and 55030 Site Management Corp. were Revoked. Mr. Jimenez is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,161.00 and any expenses that may be paid out of the Residential Recovery Fund.

THE FLOORING COMPANY, LICENSE NO. 43387

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Hearing Officer Filios found respondent The Flooring Company, James Allen Agers, President, license number 43387, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Agers was found guilty of NRS 624.302(1)(b) contracting while license is inactive; NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary limit on contracts; NRS 624.3014(1)(a) failure to contract in the name as set forth on the license; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3016(6) failure to comply with NRS 624.600. License number 43387, The Flooring Company was Revoked. Mr. Agers is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,217.00 and any expenses that may be paid out of the Residential Recovery Fund.

D & D CLEANING AND RESTORATION, INC., LICENSE NO.45499

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Hearing Officer Filios found respondent D & D Cleaning and Restoration, Inc., Gene R. Davis, Jr., President license number 45499, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Davis, Jr. was found guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), per NAC 624.700(3)(a) failure to comply with Notice to Correct; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.302(5) failure to cooperate in an investigation. License number 45499, D & D Cleaning and Restoration, Inc. was Revoked. Mr. Davis, Jr. is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,724.00 and any expenses that may be paid out of the Residential Recovery Fund.

THATCHERCRAFT CABINETS, LICENSE NO. 53951 AND
DESERT BREEZE CONSTRUCTION, LICENSE NO. 53000

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Hearing Officer Filios found respondent Larry Elvin Rogers, dba Thatchercraft Cabinets, license number 53951 and Larry Elvin Rogers, Desert Breeze Construction, license number 53000, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint.

Mr. Rogers was found guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), per NAC 624.700(3)(a) failure to comply with Notice to Correct; NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice; NRS 624.301(2) abandonment; NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary limit on contracts; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3018(2) ; association of any act or omission constituting a cause for disciplinary action; NRS 624.3013(4) failure to maintain bond. License number 53951, Thatchercraft Cabinets and license number 53000, Desert Breeze Construction was Revoked. Mr. Rogers is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,996.00 and any expenses that may be paid out of the Residential Recovery Fund.

MANLEY MASONRY, INC., LICENSE NO. 44808

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Hearing Officer Filios found respondent Manley Masonry, Inc., Richard James Manley, President, license number 44808, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Manley was found guilty of NRS 624.3012(2) failure to pay for materials and services; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information or records; NRS 624.302(5) failure to cooperate in an investigation. License number 44808, Manley Masonry, Inc. was Revoked. Mr. Manley is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,996.00 and any expenses that may be paid out of the Residential Recovery Fund.