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Governor

STATE OF NEVADA

REPLY TO:



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING  
October 19, 2004

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

**1. CALL TO ORDER:**

Chairman Randy Schaefer called the meeting of the State Contractors Board to order at 8:30a.m. Tuesday, October 19, 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 G. Filios  
Mr. Jerry Higgins  
Mr. J. Brian Scroggins

**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. Gary Hoid, Deputy Director of Investigations  
Mr. Daniel Hammack, Chief of Enforcement

**LEGAL COUNSEL PRESENT:**

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

It was moved and seconded to amend the agenda, adding applications 1 - 17. **MOTION CARRIED.**

**2. APPROVAL OF MINUTES: October 5, 2004**

It was moved and seconded to approve the minutes of October 5, 2004. **MOTION CARRIED.**

**3. 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.**

**AKAL CONSTRUCTION,** (B-2 RESIDENTIAL & SMALL COMMERCIAL) ONE TIME RAISE IN LIMIT, RECONSIDERATION.

Licensee was present.

**It was moved and seconded to approve the one time raise in limit application. MOTION CARRIED.**

**L D I MECHANICAL, AMPAM L D I MECHANICAL, INC. DBA (C-21 REFRIGERATION & AIR CONDITIONING) F/S ON RENEWAL**

Licensee was present.

**It was moved and seconded to table the renewal application. MOTION CARRIED.**

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

Applicant was present.

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

**EXECUTIVE CONSTRUCTION MANAGEMENT, LLC (B-GENERAL BUILDING) NEW APPLICATION, NAME SIMILARITY**

Applicant was present.

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

**GEMMA POWER SYSTEMS, LLC (A-GENERAL ENGINEERING) NEW APPLICATION, REQUESTING WAIVER OF TRADE EXAM**

Applicant was present.

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

**SILVER MEADOWS LANDSCAPING, INC. (C-10 LANDSCAPE CONTRACTING) 90 DAY EXTENSION**

Licensee was present.

**It was moved and seconded to table the request. MOTION CARRIED.**

**R M EDWARDS CONSTRUCTION & REMODELING (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION, RECONSIDERATION, NAME SIMILARITY**

Applicant was present.

**It was moved and seconded to approve the license application. 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.**

**4. SUBCOMMITTEE REPORTS:**

**RECOVERY FUND SUBCOMMITTEE:**

Mr. Lyford provided a status report of the Residential Recovery Fund and a summary of the claims filed against Curtis Construction. The next Residential Recovery Fund Committee Meeting is scheduled for December 6, 2004.

**5. EXECUTIVE SESSION:**

**a. APPROVAL OF EXECUTIVE OFFICER'S QUARTERLY REPORT FOR PERIOD ENDING SEPTEMBER 30, 2004:**

It was moved and seconded to approve the Executive Officer's Quarterly Report for the period ending September 30, 2004. **MOTION CARRIED.**

**b. REVIEW AND APPROVAL OF FINANCIAL REPORT FOR PERIOD ENDING SEPTEMBER 30, 2004:**

It was moved and seconded to approve the Financial Report for the period ending September 30, 2004. **MOTION CARRIED.**

**c. REVIEW AND APPROVAL OF CASH DISBURSEMENTS AND TRANSFER JOURNALS 7/01/04 – 9/30/04:**

It was moved and seconded to approve the Cash Disbursements and Transfer Journals for July 1, 2004 through September 30, 2004. **MOTION CARRIED.**

**d. REVIEW AND DISCUSSION OF ANNUAL REPORT PURSUANT TO NRS 624.355:**

Ms. Grein provided a draft of the Report to be submitted to the Governor.

**e. DISCUSSION AND ADOPTION AS A TEMPORARY REGULATION PROPOSED ADMENDMENTS TO NAC 624.603 TO ALLOW RECOVERY OF CERTAIN COSTS ASSOCIATED WITH CONDITIONAL LICENSURE:**

It was moved and seconded to adopt the proposed amendment to NAC 624.603 which would allow the Board to recover costs associated with monitoring Conditional Licenses. **MOTION CARRIED.**

**6. APPLICATION INVERVIEW:**

**H & E GROUND WORKS**

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 \$25,000.00 and bond o \$5,000.00. MOTION CARRIED.**

**PUBLIC COMMENT:**

Mr. Portnoff was present and commented on the status of several contractors that he felt were not in compliance with the statutes.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 10:07a.m.

Respectfully Submitted,

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Traci Greenlee, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Randall Schaefer, Chairman

**ADJUDICATING BOARD MEMBER: J. BRIAN SCROGGINS**

**8. DISCIPLINARY HEARING:** Continued from August 24, 2004

**MIKE TOCCO ROOFING, INC.**, LICENSE NO. 46627

Licensee was present with Counsel Craig Marquiz, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

This matter was continued from August 24, 2004 to allow the Respondent to provide a financial statement prepared by a Certified Public Accountant that supports the monetary limit of the license.

**Hearing Officer Scroggins ordered the Respondent to provide an updated financial statement and referred the case to the full Board Hearing for violation of NRS 624.3013(3) failure to establish financial responsibility.**

**ADJUDICATING BOARD MEMBER: SPIRIDON FILIOS**

**9. DISCIPLINARY HEARING:**

**NEW VISION ELECTRIC**, LICENSE NO. 51959

Licensee was present with Counsel Mark Saggese, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2- Fax from the Respondent to Investigator Greg Welch dated June 14, 2004.

**Hearing Officer Filios found the Respondent Henry Armijo, dba New Vision Electric, license number 52895 guilty of violation of NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request for the Board for information or records; NRS 624.3013(4) failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board. The First Cause of Action was dismissed. Investigative costs were assessed in the amount of \$1,109.00. Investigative cost must be paid within 45 days from October 19, 2004 or license number 51959, Henry Armijo, dba New Vision Electric will automatically be Revoked. Mr. Armijo must replace the \$10,000.00 bond and provide a current financial statement prepared by a Certified Public Accountant within 45 days from October 19, 2004 or license number 51959, Henry Armijo, dba New Vision Electric will automatically be Revoked.**

**10. DISCIPLINARY HEARING:**

**LAS VEGAS AIR CONDITIONING, INC.**, LICENSE NO. 51959

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Two pages containing four photographs.

Exhibit 3 - Fax from the City of Las Vegas to Investigator Paul Easton containing copies of Building Permits dated October 15, 2004.

Hearing Officer Filios found the Respondent Las Vegas Air Conditioning, Inc., Michael Gamst, President, license number 51959 guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3013(3), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.302(1)(a) contracting, offering to contract or submitting a bid as a contractor if the contractors license has been suspended or revoked pursuant to NRS 624.300; NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include in all bids or contracts the number of his license and monetary limit placed upon the license. Mr. Gamst was assessed a fine of \$100.00 for the Sixth Cause of Action. The Second, Third, Fourth, Fifth and Seventh Causes of Action were dismissed. Investigative costs were assessed in the amount of \$1,999.00. Fine and costs are to be paid within 90 days from October 19, 2004 or license number 51959, Las Vegas Air Conditioning, Inc. will automatically be Revoked. License number 51959, Las Vegas Air Conditioning, Inc. is to be reinstated to active status.

#### 11. DISCIPLINARY HEARING:

MIRAGE ELECTRIC CORP., LICENSE NO. 44044

MIRAGE ELECTRICAL SERVICES CORP., LICENSE NO. 56049

Licensee was present with Counsel Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Fax from Investigator Paul Easton to Mr. Steve Kralkay regarding a meeting to discuss the first cause of action dated July 28, 2004.

Hearing Officer Filios found the Respondent Mirage Electric Corp., Steve Kralkay, President, license number 44044 and Mirage Electrical Services Corp., Mark Kralkay, President, license number 56049 guilty of violation of NRS 624.3012(2) willful or refusal by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered; NRS 624.302(6) failure to comply with written request by the Board for information or records; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. The First Cause of Action will be continued for 120 days to allow the Respondent to pay monies due. The Second Cause of Action was dismissed. Investigative costs were assessed in the amount of \$2,090.00. Investigative costs are to be paid within 30 days from October 19, 2004 or license number 56049, Mirage Electrical Services, Corp. will automatically be Revoked.

#### 12. DISCIPLINARY HEARING:

DESERT COMFORTS, LICENSE NO. 53294

Licensee was not present, but represented by Gary McDermid the Qualified Employee.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Filios found the Respondent Thomas Broadley, dba Desert Comforts, license number 53294 guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with a notice to correct; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3011(1)(b)(1) disregard of the Building Laws of the State; NRS 624.3014(2)(a)(b)(d) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or

conspiring with an unlicensed person to perform an unauthorized act; acting as agent, partner or associate of an unlicensed person; NRS 624.3013(5), as set forth in NAC 624.250(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.720(1) unlawful advertising. Mr. Broadley was assessed a fine of \$100.00 for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eight, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Sixteenth and Seventeenth Causes of Action for a total fine of \$1,600.00. The Eighteenth Cause of Action was dismissed. Investigative costs were assessed in the amount of \$3,886.00. Fines and costs are to be paid within 30 days from October 19, 2004 or license number 53294, Thomas Broadley, dba Desert Comforts will automatically be Revoked. The Respondent was ordered to pay restitution to the damaged parties or hire properly licensed contractors to correct outstanding workmanship issues within 30 days from October 19, 2004 or license number 53294, Thomas Broadley, dba Desert Comforts will automatically be Revoked.

### 13. DISCIPLINARY HEARING:

#### WRIGHT BROTHERS TILE, INC., LICENSE NOS. 48773, 48774

Licensee was present with Counsel Mark Zalaoras, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Letter from Director of Investigations George Lyford to Mark Zalaoras, Esq. dated October 7, 2004.

Exhibit 3 – Voluntary statement to receive cross examination from Gary Wilkos dated October 12, 2004.

Exhibit A – Documents prepared by Respondents Counsel on behalf of Wright Brothers Tile, Inc.

Owner Builder permit and application for the Moses project dated August 18, 2003.

County assessor ownership records for the Moses project.

Contracts with Michelle Moses dated August 2003 through October 2003.

Invoice from Concrete Pumping Service dated October 3, 2003.

Copy of the NAC classifications for the C-5 (Concrete), C-11 (Spraying Mixtures containing Cement) and the C-20 (Tiling) licenses.

Project estimates, cost sheet and vendor payment list for the Moses project dated June 2003 through July 2003.

Wright Brothers Tile, Inc. financial statement dated July 31, 2004.

Monetary limit and Residential Recovery Fund notices.

Wright Brothers Tile, Inc. license applications.

Subpoena for records dated August 9, 2004.

Hearing Officer Filios found the Respondent Wright Brothers Tile, Inc., Wayne Wright, President, license numbers 48773 and 48774 guilty of violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3014(2)(a)(b)(c)(d)(e) aiding and abetting an unlicensed person; combining or conspiring with an unlicensed person; allowing a license to be used by an unlicensed person and furnishing estimates or bids to an unlicensed person; NRS 624.3013(5), as set forth in NAC 624.640(6) each licensee shall ascertain that each person whose bid on a construction project the licensee considers is appropriately licensed; NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include in all bids or contracts the number of the license and monetary limit placed upon his license; NRS 624.3013(5), as set forth in NAC 624.520(1) failure to provide Residential Recovery Fund notice to owner. Mr. Wright was assessed a fine of \$100.00 for the First, Second, Fourth and Seventh Causes of Action, a fine of \$50.00 for the Sixth Cause of Action for a total fine of \$450.00. The Third, Fifth and Eighth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$1,430.00. Fines and costs are to be paid within 60 days from October 19, 2004 or license number 48774, Wright Brothers Tile, Inc. will automatically be Suspended. If the fines and costs are not paid within 60 days the Respondent will be brought before to the Board.

**14. DISCIPLINARY HEARING – DEFAULT ORDERS:****a. G M STEEL**, LICENSE NO. 52469

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Filios found the Respondent G M Steel, Michael Mills, President, license number 52469, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Mills was found guilty of NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request from the Board for information and records; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3015(5), as set forth in NAC 624.640(3) failure to notify the Board of change of address within 30 days after the change occurs. License number 52469 G M Steel was Revoked. Mr. Mills is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$927.00 and any expenses that may be paid out of the Residential Recovery Fund.

**b. BLUE SKY POOLS**, LICENSE NO. 33948

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Filios found the Respondent Robert Willis, dba Blue Sky Pools, license number 33948 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Willis was found guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with a notice to correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include in all bids or contracts the number of the license and any monetary limit placed on the license; NRS 624.640(3) Failure to notify the Board of change of address or personnel within 30 days after the change occurs; NRS 624.3016(5) failure to comply with NRS 597.713, NRS 597.716 or NRS 597.719 or any regulations of the Board governing contracts for the construction of residential pools and spas. License number 33948 Blue Sky Pools was Revoked. Mr. Willis is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$2,653.00 and any expenses that may be paid out of the Residential Recovery Fund.

**c. EARTH DEVELOPMENT, INC.**, LICENSE NO. 55139

**EARTH DEVELOPMENT**, LICENSE NO. 51979

**LASTING IMPRESSIONS**, LICENSE NO. 38301

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Filios found the Respondent Earth Development, David Renteria, President, license number 55139, Anthony Benavides, dba Earth Development, license number 51979 and Anthony

Benavides, dba Lasting Impressions, license number 38301, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Renteria and Mr. Benavides was found guilty of NRS 624.3012(2) failure to pay any money when due for materials or services; NRS 624.301(1) abandonment; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with a notice to correct; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of change of address or personal within 30 days after the change occurred; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. License number 55139 Earth Development Inc., license number 51979 Earth Development and license number 38301 Lasting Impressions was Revoked. Mr. Renteria and Mr. Benavides is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$2,017.00 and any expenses that may be paid out of the Residential Recovery Fund.