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J. BRIAN SCROGGINS  
MICHAEL ZECH



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**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING  
December 14, 2005**

**CALL TO ORDER:**

Hearing Officer Scroggins called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, December 14, 2005, 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. J. Brian Scroggins  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

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

**LEGAL COUNSEL PRESENT:**

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

Ms. Grein stated the agenda was posted in compliance with the open meeting law on December 8, 2005, 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: J. BRIAN SCROGGINS**

**1. DISCIPLINARY HEARING:**

**INNOVATIVE CONCRETE, LLC, LICENSE NO. 58954**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Two estimates for concrete repairs at the Ozanich residence.

Exhibit 3 – Photographs of the Ozanich residence taken by Investigator Easton on October 13, 2005 and December 13, 2005.

Hearing Officer Scroggins found Respondent Innovative Concrete, LLC, Rick A. Offley, Member, license number 58954 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 the Board's 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. License number 58954, Innovative Concrete, LLC is on probation for One (1) year and the monetary license limit was reduced to \$200,000.00. Mr. Offley was assessed a fine of \$250.00 for First, Second, Third and Fourth Causes of Action for a total fine of \$1,000.00. Investigative costs were assessed in the amount of \$3,138.00. Fines and costs are to be paid within 60 days from December 14, 2005 or license number 58954, Innovative Concrete, LLC will automatically be Revoked. Mr. Offley was ordered to pay restitution in the amount of \$10,000.00 to the Ozanich's within 10 days from December 14, 2005 or license number 58954, Innovated Concrete, LLC will automatically be Revoked. Mr. Offley was ordered to furnish a financial statement prepared by a certified public accountant and complete all appropriate paperwork to update license information within 30 days. The Respondent is ordered to submit to a Business Review. The result of the Business Review will be presented to the Executive Officer. The Respondent will be provided a billing and will reimburse the Board for the cost of the Business Review within 10 days of receipt of the billing. Failure to submit to the Business Review or reimburse the Board the investigative cost will result in the Suspension of the license.

## 2. DISCIPLINARY HEARING:

### SOUTHWEST STONE AND TILE, LICENSE NOS. 46544, 46545

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins continued this matter due to Respondent obtaining a “Writ of Prohibition” by Las Vegas District Court on December 13, 2005.

## 3. DISCIPLINARY HEARING:

### D K JENSEN CONSTRUCTION, INC., LICENSE NO. 20829

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent D. K. Jensen Construction, Inc., Darwin K. Jensen President, license number 20829 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 the Board's Notice to Correct; Two (2) violations of NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3011(1)(a) departure of plans or specifications without the consent of the owner; 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 written request from the Board for information or records. Mr. Jensen was assessed a fine of \$100.00 for the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action for a total fine of \$800.00. Investigative costs were assessed in the amount of \$1,964.00. Fines and costs are to be paid within 30 days from December 14, 2005 or license number 20829, D. K. Jensen Construction, Inc. will automatically be Revoked. Mr. Jensen was ordered to perform corrective work not related to the water damage on the Wolpert residence within 60 days from December 14, 2005 or license number 20829, D. K. Jensen Construction, Inc. will automatically be Revoked. Mr. Jensen was ordered to have a resolution to the water leak at the Wolpert residence within 30 days from December 14, 2005 or license number 20829, D. K. Jensen will automatically be Revoked. Mr. Jensen was ordered to furnish a current corporate financial statement prepared by a Certified Public Accountant within 30 days that supports Respondent's license limit or Respondent's monetary license limit will be reduced to \$850,000.00 and license number 20829, D. K. Jensen Construction, Inc. will automatically be Revoked.

**4. DISCIPLINARY HEARING:**

**CONSTRUCTION MANAGEMENT CONSULTANTS, DBA C M C CONSTRUCTION, LICENSE NO. 44571**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Copy of cashiers check to Roberts Roof and Floor in the amount of \$14,300.00.

Exhibit 3 – Copy of cashiers check to Roberts Roof and Floor in the amount of \$1,299.24.

Exhibit 4 – Copy of release of mechanics lien dated December 13, 2005.

Letter from Riggio Brothers Construction dated December 13, 2005.

Copy of cashiers check to Riggio Brothers in the amount of \$48,000.00.

Hearing Officer Scroggins found Respondent Construction Management Consultants, dba C M C Construction, Jon Van Vleck, President, license number 44571 guilty of Two (2) violations of NRS 624.302(5) failure to cooperate in an investigation; 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 NAC 624.640(3) failure to notify the Board of change of address or personnel within 30 days after the change occurs; Two (2) violations 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 his license and any monetary limit placed upon his license; NRS 624.3012(2) failure to pay money when due for materials or services rendered; NRS 624.3012(1) diversion of money received for the completion of a specific construction project; NRS 624.3013(4) failure to keep in force the bond or cash deposit for the full period required by the Board. Mr. Van Vleck was assessed a fine of \$100.00 for the Second, Third, Fourth, Fifth, Seventh, Eighth and Ninth Causes of Action for a total fine of \$700.00. The First and Sixth Causes of Action were dismissed. Investigative costs were assessed in the amount of \$1,365.00. Fines and costs are to be paid within 180 days from December 14, 2005 or license number 44571, Construction Management Consultants, dba C M C Construction will automatically be Revoked. Mr. Van Vleck was ordered to provide the Board with his current address of record.

**6. DISCIPLINARY HEARING – DEFAULT ORDERS:**

**a. ADVANTAGE AWNING, CO., LICENSE NO. 50871**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Scroggins found Respondent Charles A. Pierson, dba Advantage Awning, Co., license number 50871, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Pierson was found 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 the Board's Notice to Correct; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility; NRS 302(6) failure to comply with a written request from the Board for information or records. License number 50871, Charles A. Pierson, dba Advantage Awning, Co. was Revoked. Mr. Pierson is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,470.00 and any expenses that may be paid out of the Residential Recovery Fund.

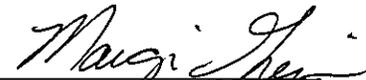
ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Scroggins at 11:10 a.m.

Respectfully Submitted,

  
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Traci Greenlee, Recording Secretary

APPROVED:

  
\_\_\_\_\_  
Margi Grein, Executive Officer

  
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J. Brian Scroggins, Hearing Officer