

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:



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

www.nscb.state.nv.us

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

MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
WILLIAM "BRUCE" KING
GUY M. WELLS

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
August 2, 2006

CALL TO ORDER:

Hearing Officer Filios called the meeting of the State Contractors Board to order at 9:00 a.m., Wednesday, August 2, 2006, 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. Spiridon Filios
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
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on July 26, 2006, 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: Spiridon Filios

1. DISCIPLINARY HEARING:

AA PRIMO BUILDERS, LLC, LICENSE NO. 53046

Licensee was present with counsel, Becky Pintar, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Licensee's Exhibits were entered:

Exhibit A – Cumulative Exhibit

A-1 – Correspondence dated May 4, 2005, from Washington to Respondent

A-2 – Board's Notice to Correct dated July 22, 2005

A-3 – Correspondence dated September 20, 2005, from Washington's counsel to Pintar

A-4 – Complaint filed October 10, 2005

A-5 – Washington answer to complaint and counterclaim dated January 24, 2006

A-6 – Correspondence dated November 21, 2005, from Odor Masters to Washington

A-7 – Correspondence dated June 23, 2006, from Board to Washington

Hearing Officer Filios imposed no additional fine or penalties against the Respondent, A A Primo Builders, LLC, Anthony Michael Ignatowicz and Tina Marie Ignatowicz, Managers. Mr. Ignatowicz is required to pay restitution to Washington in the amount of \$1,955.00 within 30 days of the August 2, 2006 hearing.

2. DISCIPLINARY HEARING:

WHITE WING PRODUCTIONS, INC., LICENSE NOS: 51135, 53485

Licensee was present with counsel, Jennifer Lloyd-Robinson

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Exhibit #2 – A redacted Administrative Citation

Exhibit #3 – An estimate from Jay Bee's Finish Specialties General Contracting dated November 4, 2005

Exhibit #4 – A fax from the Department of Development Services, Administration Division dated July 14, 2006

The following Licensee's Exhibits were entered:

Exhibit A – Cumulative Exhibit

A-1 – A new contract

A-2 – A license bond for license number 53485

A-3 – A new financial statement dated September 16, 2006

A-4 – A notice of lien dated September 16, 2005

A-5 – Complaint dated November 15, 2006

Hearing Officer Filios found Respondent White Wing Productions, Inc., Kenneth Gerard Lessard, President, license numbers 51135 and 53485, guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3011(1)(b)((1) willful disregard of the building laws of the State; 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 624.3013(4) failure to keep in force bond or cash deposit for full period required by Board. Mr. Lessard was assessed a fine of \$500.00 for the First Cause of Action, \$1,000.00 for the Third Cause of Action, \$50.00 for the Fourth Cause of Action, and \$300.00 for the Sixth Cause of Action. Total fines assessed were \$1,850.00. The Second, Fifth and Seventh Causes of Action were dismissed. The investigative costs were assessed in the amount of \$8,703.00. Fines and costs are to be paid within 180 days of the August 2, 2006 Board Hearing or license numbers 51135 and 53485, White Wing Productions, Inc. will be revoked. The Respondent shall obtain the necessary building permits and obtain the required inspections immediately or license numbers 51135 and 53485, White Wing Productions, Inc. shall be revoked.

3. DISCIPLINARY HEARING:

SUN CASTLE BUILDERS, LLC, LICENSE NO. 45856A

This matter was continued.

4. DISCIPLINARY HEARING:

SHADOW MOUNTAIN CONSTRUCTION, LICENSE NO. 38150

Licensee was present with counsel, Rusty Graf, Esq.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Exhibit #2 – 21 photos taken by Investigator Mincheff on July 28, 2006 at the Reynolds residence

Exhibit #3 – A memo to file by Tim Pittman dated July 31, 2006

Exhibit #4 – A fax from Jean Reynolds to Respondent dated November 29, 2005

Exhibit #5 – A cover sheet with listed costs of estimates to repair along with bids

The following Licensee's Exhibits were entered:

Exhibit A – A letter dated April 15, 2006, from Respondent's CPA, Henson & Company, CPA's, Inc.

Hearing Officer Filios found Respondent, Kenneth Edward Murphy, dba Shadow Mountain Construction, license number 38150, guilty of NRS 624.3017(1) substandard workmanship and two (2) violations of NRS 624.3014(2)(a)(b) aiding or abetting unlicensed person to evade provisions of chapter and combining or conspiring with unlicensed person to perform unauthorized act. The Second Cause of Action was dismissed. Respondent was assessed a fine of \$100.00 for each of the Third and Fourth Causes of Action. The Fifth Cause of Action was held in abeyance. If Mr. Murphy provides a current financial statement that supports his license limit within 60 days of the August 2, 2006 hearing, the charge will be dismissed. If Mr. Murphy does not provide a financial statement or the financial statement provided does not support the license limit, this matter shall be brought back before Hearing Officer Filios. Mr. Murphy was assessed a fine of \$200.00. The investigative costs were assessed in the amount of \$2,624.00. Fines and costs are to be paid within 30 days of the August 2, 2006 Board Hearing or license number 38150, Kenneth Edward Murphy, dba Shadow Mountain Construction shall be suspended. Mr. Murphy shall either (1) complete the repairs on the Reynolds residence within 30 days of the August 2, 2006 hearing or (2) pay Reynolds \$20,000.00 and provide a mechanic's lien release within 30 days of the August 2, 2006 hearing or license number 38150, Kenneth Edward Murphy, dba Shadow Mountain Construction shall be suspended.

5. DISCIPLINARY HEARING:

TROPICANA CUSTOM POOLS AND LANDSCAPING, LICENSE NOS. 51441, 51442

Licensee was present with counsel, Eric Dobberstein, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Filios found Respondent Tropicana Custom Pools and Landscaping, Kayvon Allen Baktiar, President, license numbers 51441 and 51442, guilty of three (3) violations of NRS 624.3016(5), as set forth in NRS 624.940(2)(d) and NAC 624.6958(2)(d) any contract in the amount of more than \$1,000.00 must contain in writing the estimated date of completion of all work performed; five (5) violations of NRS 624.3016(5), as set forth in NRS 624.940(3)(b)(2) and NAC 624.6958(2)(1) contract must contain a notice stating that the owner has the right to request a bond for payment and performance if such a bond is not otherwise required; four (4) violations NRS 624.3016(5), as set forth

in NAC 624.6958(3) contractor shall ensure each contract of a pool or spa is signed by the contractor or person on license; two (2) violations of NRS 624.3016(5), as set forth in NAC 624.6964(3) schedule of payments must not provide for the contractor to receive payments in excess of 100 percent of the contracted; (4) violations of NRS 624.3016(5), as set forth in NRS 624.940(3)(a) contract must contain a method whereby the owner may initial provisions of the contract; five (5) violations of NRS 624.3016(5), as set forth in NRS 624.940(2)(h) and NAC 624.6958(2)(i) any contract in the amount of more than \$1,000.00 must contain information that the contractor has provided owner with the notice and information form; three (3) violations of NRS 624.3016(5), as set forth in NRS 624.940(4) contractor must provide copy of all signed documents; three (3) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; three (3) violations of NRS 624.3016(5), as set forth in NRS 624.935(3) and NAC 624.6966(3) if payment is made contractor shall furnish the owner with mechanic's lien for that portion of the work that has been paid; five (5) violations of NRS 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.302(5) failure to respond to a written request by Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons prohibited from serving as officer, director, associate or partner of licensee; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.935(2) and NAC 624.6966(2) a contractor shall complete work and not refuse to perform any work for any 30 day period; one (1) violation of NRS 624.3015(1) acting in the capacity beyond the scope of the license; one (1) violation of NRS 624.3017(1) substandard workmanship; two (2) violations of NRS 624.3016(5), as set forth in NAC 624.6958(2)(n) contractor shall ensure prompt and full payment to each subcontractor or supplier upon completion of each stage; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.930(1)(a) contractor shall apply for and obtain all permits; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(i) any change to contract contractor must provide in writing that in the form of a change order; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(g) and NAC 624.6964(3) any contract must contain the amount of the down payment or deposit paid ; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(f) the contract must contain in writing the total amount to be paid to the contractor by the owner for all work performed including all applicable taxes; one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or services. License numbers 51441 and 51442, Tropicana Custom Pools and Landscaping are revoked. Mr. Baktiar was assessed a fine of \$10,000.00. The investigative costs were assessed in the amount of \$4,484.00. Fines and costs are to be paid within 30 days of the August 2, 2006 Board Hearing. Mr. Baktiar is required to pay full restitution to the damaged parties and reimburse the Board any expenses that may be paid out of the Residential Recovery Fund.

6. DISCIPLINARY HEARINGS – DEFAULT ORDERS:

LAGMAN LIGHTING AND SIGN: LICENSE NOS. 57063

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Filios found Respondent in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Lagman 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 Board's Notice to Correct; NRS 624.302(5) failure to respond to a written request from Board; 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 624.301(5) failure to comply with terms of construction contract; NRS 624.3013(5), as set forth in NRS 624.750(3)(a)) unlawful to receive money for purpose of obtaining or paying for services, labor, materials or equipment if person willfully fails to use money to complete the improvements or failing to pay for any services, labor, materials or equipment provided for construction; NRS 624.302(1)(b) contracting while license is inactive; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by Board; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel;

NRS 624.3013(4) failure to keep bond in force. License number 57063, Lagman Lighting and Sign was Revoked. Mr. Lagman is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,659.00 and any expenses that may be paid out of the Residential Recovery Fund.

SIENNA LANDSCAPE, LICENSE NO. 39997

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Filios found Respondent in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Servin 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 Board's Notice to Correct; NRS 624.302(5) failure to respond to a written request from Board; NRS 624.3015(1) acting in capacity of contractor beyond scope of license; NRS 624.3011(1)(b)(1) disregard of building laws of State; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; 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 624.3013(3) failure to establish financial responsibility. License number 39997, Donna Michele Servin, dba Sienna Landscape was Revoked. Ms. Servin is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,535.00 and any expenses that may be paid out of the Residential Recovery Fund.

7. DISCIPLINARY HEARING:

ARTISTIC POOLS/SPA, INC., License No. 24446

Licensee was present with counsel, Robert Nersesian, Esq.

Hearing Officer Filios dismissed the Fourth and Fifth Causes of Action and deleted paragraph 16 of the Board's Second Amended Complaint dated May 11, 2006 against Respondent, Artistic Pools/Spa, Inc., Ronald John Foglia, President. This matter shall be brought back before Hearing Officer Filios within one hundred (100) days of the August 2, 2006 hearing.

8. DISCIPLINARY HEARING:

P.N.I.I., INC., dba PULTE HOMES OF NEVADA License_No. 48129

Licensee was present with counsel, David Lee, Esq.

This matter shall be brought back before Hearing Officer Filios within one hundred (100) days of the August 2, 2006 hearing.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Filios at 1:25 PM.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Spiridon Filios, Hearing Officer