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STATE OF NEVADA

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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
August 16, 2006**

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

CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, August 16, 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. Guy Wells
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
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 August 9, 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.

1. DISCIPLINARY HEARING:

DESERT CUSTOMER CONTRACTING, INC., LICENSE NO. 45976

WADE A. CLODFELTER CONSTRUCTION, LICENSE NO. 32300

Licensee was present with Counsel, Zach Larson, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – 22 photos of the Ditton project taken by Richard Ditton.

The following Respondent's Exhibits were entered:

Exhibit A – A Customer Quick Report for Richard Ditton

Exhibit B – A General Requirements Report for Richard Ditton

Exhibit C – A diagram for the installation of the tile at the Ditton project.

Exhibit D – A Progressive Billing Invoice for Richard Ditton.

Hearing Officer Wells found Respondent Desert Custom Contracting, Inc., Joseph Dale Bunch, President, Wade A. Clodfelter, Vice President, license number 45976 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 the Board's Notice to Correct; NRS 624.3011(1)(a) disregard of plans or specifications; NRS 624.3013(5), as set forth in NAC 624.640(5) failure to supply license number and monetary limit; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3014(2)(a) aiding or abetting an unlicensed person; NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed fines of \$1,000.00 for the First, Fourth and Seventh Causes of Action, a fine of \$100.00 for the Second and Fifth Causes of Action, a fine of \$500.00 for the Sixth Cause of Action for a total fine of \$3,700.00. The Third and Ninth Causes of Action were dismissed. The investigative costs were assessed in the amount of \$1,800.00. Mr. Clodfelter was ordered to furnish a financial statement within 30 days of the August 16, 2006 hearing or license number 45976, Desert Custom Contracting, Inc. will be suspended. Fines and costs are to be paid within 30 days of the August 16, 2006 Board Hearing or license number 45976, Desert Custom Contracting, Inc. will be suspended. Mr. Clodfelter was ordered to update the license information with the Board and the Secretary of State within 30 days of the August 16, 2006 Board Hearing or license number 45976, Desert Custom Contracting, Inc. will be suspended

2. DISCIPLINARY HEARING:

PLUMB BUILDERS, INC., LICENSE NO. 41089

MASTERCRAFT KITCHENS, LLC, dba M C KITCHENS, LICENSE NO. 59817

MASTERCRAFT CONSTRUCTION, INC., dba NEXLEV CONSTRUCTION, LICENSE NO. 59818

Licensee was present with counsel, Jonathan Leleau, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A copy of payment from CNA Surety Company dated July 19, 2006.

Exhibit 3 – A series of documents regarding the Newman complaint to include copies of invoices, payments and an estimate from Lowes.

Exhibit 4 – A series of documents regarding the Cunningham complaint to include copies of payments and invoices.

Exhibit 5 – Three (3) photos of the Washington project.

Hearing Officer Wells found Respondent Plumb Builders, Inc., Michael D. Lambermont, President, license number 41089, Mastercraft Kitchens, LLC, dba M C Kitchens, Michael D. Lambermont, Manager and Qualified Employee, license number 59817, Mastercraft Construction, Inc., dba Nexlev Construction, Michael D. Lambermont, President and Qualified Employee, license number 59818, guilty of three (3) violations of NRS 624.3012(2) failure to pay; three (3) violations of NRS 624.302(5) failure to respond to written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; four (4) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; four (4) violations of NRS 624.3016(5), as set forth in NRS 624.600 failure to comply with NRS 624.600 failure to provide required disclosures; three (3) violations of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; one (1) violation of NRS 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; one (1) violation of NRS 624.3018(2) certain persons prohibited from serving as officer, director, associate or partner of licensee; two (2)

violations of NRS 624.3011(1)(b)(1) disregard of building laws of State. Respondent was assessed fines of \$2,000.00 for the First, Fourth, Sixth and Seventh Causes of Action, a fine of \$1,000.00 for the Third, Ninth, Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth, Eighteenth, Nineteenth, Twenty-Third, Twenty-Fourth, Twenty-Sixth and Twenty-Seventh Causes of Action and a fine of \$500.00 for the Thirteenth, Seventeenth, Twenty-fifth and Twenty-eighth Causes of Action and a fine of \$1,500.00 for the Twenty-fifth and Twenty-ninth Causes of Action for a total fine of \$26,000.00. The Second, Fifth, Eighth, Fourteenth, Twentieth and Twenty-First Causes of Action were dismissed. Paragraph 65, in the Fourteenth Cause of Action of the Board's complaint is deleted. The investigative costs were assessed in the amount of \$5,879.00. Fines and costs are to be paid within 30 working days of the August 16, 2006 Board Hearing or license numbers Mastercraft Construction, Inc., Nexlev Construction will be revoked. License number 41089, Plumb Builders, Inc. and license number 59817, Mastercraft Kitchens, LLC, dba M C Kitchens were revoked. License number 59818, Mastercraft Construction, Inc., dba Nexlev Construction is revoked. The revocation is stayed on the condition that Mr. Lambermont timely complies with the terms of the Decision and Order. Mr. Lambermont, Mr. Lambermont's counsel and a Board representative shall meet with each homeowner within fifteen (15) working days of the August 16, 2006 Board Hearing to come to an agreement on the amount of restitution to be paid to each homeowner. Once the restitution has been agreed upon, Mr. Lambermont has fifteen (15) working days to make restitution to the homeowners. If restitution is not timely paid, license number 59818, Mastercraft Construction, Inc., dba Nexlev Construction will be revoked. Once Mr. Lambermont makes restitution to the homeowners and pays the fines and costs, license number 59818, Mastercraft Construction, Inc., dba Nexlev Construction shall be placed on Probation for Three (3) Years.

3. DISCIPLINARY HEARING:

AFFORDABLE AM PM PLUMBING, INC., dba AFFORDABLE AM PM PLUMBING, LICENSE NO. 49498

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – A copy of permit for Mecklenburg residence.

Exhibit 3 – An invoice from Hawthorne Plumbing for \$200.00 and two (2) receipts from Ferguson totaling \$258.80.

Hearing Officer Wells found Respondent, Affordable AM PM Plumbing, Inc., dba Affordable AM PM Plumbing, Ronald H. Sikora, President, license number 49498, guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or services; one (1) violation of NRS 624.302(5) failure to respond to a request from the Board; one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Boards Notice to Correct; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (2) violation of NRS 624.302(6) failure to comply with a written request by the Board; 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 his license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed fines of \$1,000.00 for the First, Second, Third and Sixth Causes of Action, a fine of \$500.00 for the Fourth, Fifth, Seventh, Ninth and Tenth Causes of Action for a total fine of \$6,500.00. The Eighth and Eleventh Causes of Action were dismissed. The investigative costs were assessed in the amount of \$1,731.00. Fines and costs are to be paid within 30 days of the August 16, 2006 Board Hearing or license numbers 49498, Affordable AM PM Plumbing, Inc., dba Affordable AM PM Plumbing will be suspended. Mr. Sikora must provide a financial statement which supports the license limit to the Board within thirty days of August 16, 2006 Board Hearing or license number 49498, Affordable AM PM Plumbing, Inc., dba Affordable AM PM Plumbing will be suspended. Mr. Sikora was ordered to pay A-1 Concrete Cutting the amount of \$1,947.50 within ten (10) days of the August 16, 2006 Board

Hearing or license number 49498, Affordable AM PM Plumbing, Inc., dba Affordable AM PM Plumbing will be suspended. Mr. Sikora shall make restitution to Kimberly Sullivan in the amount of \$77.00 and pay the plumbing contractors expenses in the amount of \$458.80 within ten (10) days of the August 16, 2006 Board Hearing or license number 49498, Affordable AM PM Plumbing, Inc., dba Affordable AM PM Plumbing will be suspended.

4. DISCIPLINARY HEARING:

SHIPLEY CONSTRUCTION INCORPORATED, LICENSE NO. 33734

Licensee was present with counsel, Becky Pintar, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells found Respondent, Shipley Construction Incorporated, James Edward Shipley, Jr., President, license number 33734, guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Boards Notice to Correct; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to the owner; one (1) violation of NRS 624.3014(2)(a)(b)(d) aiding or abetting an unlicensed person to evade provisions of chapter and combining or conspiring with unlicensed person to perform unauthorized act or acting as agent, partner or associate of an unlicensed person; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Mr. Shipley was assessed fines of \$1,000.00 for the Fifth Cause of Action, a fine of \$500.00 for the First and Sixth Causes of Action and a fine of \$50.00 for the Second and Fourth Causes of Action, for total fines assessed of \$2,100.00.. The Third and Seventh Causes of Action were dismissed. The investigative costs were assessed in the amount of \$2,660.00. Fines and costs are to be paid within 30 days of the August 16, 2006 Board Hearing or license numbers 33734, Shipley Construction Incorporated, will be suspended. Mr. Shipley shall make restitution to Gibbs in the amount of \$3,542.00 within 30 days of the August 16, 2006 Board Hearing or license numbers 33734, Shipley Construction Incorporated, will be suspended. Mr. Shipley shall submit a current financial statement that supports the license limit to the Board within thirty (30) days of the August 16, 2006 Board Hearing or license numbers 33734, Shipley Construction Incorporated, will be suspended.

5. DISCIPLINARY HEARING:

W.C.S.U., dba MOMUMENTS BACKYARD EXPERIENCE, LICENSE NOS. 56257, 56258

CONSTRUCTION UNLIMITED, INC., dba MONUMENT CONSTRUCTION

LICENSE NOS. 46423, 46616, 46617

Licensee was present with counsel, Keith Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Wells found Respondent, W.C.S.U, Inc., dba Monuments Backyard Experience, Patrick John Nixon, President, license numbers, 56257 and 56258 guilty of three (3) violations of NRS 624.3017(1) substandard workmanship; three (3) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; one (1) violation of NRS 624.3011(1)(a) disregard of the plans or specifications without the consent of the owner; one (1) violation of NRS 624.301(4) failure to prosecute a construction project when percentage completed is less than percentage of total contract paid; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Notice to owner; 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 his license and any monetary limit placed upon his license; two (2) violations of NRS 624.3014(1)(a) acting in the capacity

of a contractor in the name of the licensee; four (4) violations of NRS 624.3013(5) as set forth in NRS 624.300(1)(e) Board may order a licensee to repay the Residential Recovery Fund account,. Respondent was assessed fines of \$1,000.00 for each of the Fourth and Fifth Causes of Action, fines of \$500.00 for each of the First, Seventh, Tenth, Eleventh, Twelfth, Thirteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth Causes of Action, fines of \$100.00 for each of the Second, Eighth, and Fourteenth Causes of Action for a total fine of \$7,800.00. The Third, Ninth, Fifteenth, Twenty-First, and Twenty-second Causes of Action were dismissed. The investigative costs were assessed in the amount of \$3,807.00. Fines and costs are to be paid within sixty (60) days of the August 16, 2006 Board Hearing or license numbers 56257, 56258, W.C.S.U., dba Monuments Backyard Experience will be revoked. Marcene Taylor will acquire three (3) bids within 30 days of the August 16, 2006 Board Hearing and Mr. Nixon shall pay Taylor the amount of the middle bid or license numbers 56257 and 56258, W.C.S.U., dba Monuments Backyard Experience will be revoked. Mr. Nixon shall accept payment of \$4,800.00 from Sandra Freitas and sign a mutual release within thirty (30) days of the August 16, 2006 Board Hearing. Mr. Nixon shall make restitution of \$4,800.00 to Karl Gruendig by September 30, 2006 or license numbers 56257 and 56258, W.C.S.U., dba Monuments Backyard Experience will be revoked. Mr. Nixon shall reimburse the Residential Recovery Fund in the amount \$7,551.00 within sixty (60) days of the August 16, 2006 Board Hearing or license numbers 56257, 56258, W.C.S.U., dba Monuments Backyard Experience will be revoked. Mr. Nixon was ordered to pass the CMS and trade exams and remove Susan Nixon from both licenses within ninety (90) days of the August 16, 2006 Board Hearing or license numbers 56257 and 56258, W.C.S.U., dba Monuments Backyard Experience will be revoked. License numbers 56257 and 56258, W.C.S.U., dba Monuments Backyard Experience are placed on Probation for Six (6) Months.

6. DISCIPLINARY HEARING - DEFAULT:

a. NEW PHASE CONTRUCTION, INC., LICENSE NO: 48446A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing file

Hearing Officer Wells found Respondent in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Graeff was found guilty of two (2) violations of NRS 624.3017(1) substandard workmanship; two (2) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice of Correct; two (2) violations of NRS 624.302(5) failure to respond to a written request by the Board; two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.600 failure to comply with NRS 624.600 failure to provide required disclosures; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board within 30 days of change of address. License number 48446A, New Phase Construction, Inc., was Revoked. Mr. Graeff is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,919.00 and any expenses that may be paid out of the Residential Recovery Fund.

b. PREFERRED CONCRETE, INC., LICENSE NO. 51837

Licensee was not present

The following agency exhibits were entered:

Exhibit #1 – Board Hearing file

Hearing Officer Wells found Respondent in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Blake was found guilty of two (2) violations of NRS 624.3017(1) substandard workmanship; two (3) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice of Correct; two (2) violations of NRS 624.302(5) failure to respond to a written request by the Board; 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; one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.650(1) and (2) licensee shall not permit contracting business to be operated by unlicensed person and licensee shall not permit person to have proprietary interest in contracting business unless persons name appears on the license; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.665(1) licensee shall submit application to Board for any change in it's officers or directors if licensee is corporation; one (1) violation of NRS 624.305(1) no license may be used for any purpose by any person other than the person to whom license is issued and no license may be assigned or transferred or disposed of to permit the unauthorized use thereof. License number 51837, Preferred Concrete, Inc., was Revoked. Mr. Blake is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,754.00 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 Wells at 1:08 PM.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Hearing Officer