

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

STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
SEPTEMBER 27, 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, September 27, 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

BOARD MEMBERS ABSENT:

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
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on September 20, 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: GUY WELLS

1. DISCIPLINARY HEARING:

EDDINGS COMMERCIAL CONTRACTORS, LICENSE NO. 56879

Licensee was present with Counsel Rick Hsu, Esq.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Exhibit #2 – Copies of four (4) checks made payable to Ramos Plumbing with outstanding invoices.

Hearing Officer Wells found Respondent Lewis Andrew Eddings, dba Eddings Commercial Contractors, license number 32018 guilty of two (2) violations of NRS 624.3012(2) failure to pay money when due; Three (3) violations of NRS 624.302(5) failure to respond to a written request by the Board; Three (3) violations of NRS 624.3013(5), as set forth in NAC624.640(5) failure to include license number and monetary license limit on contracts; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by the Board; NRS 624.3013(4) failure to keep in force bond for full period required by Board. Respondent was assessed fines of \$1,000.00 for each of the First and Eighth Causes of Action, a fine of \$100.00 for each of the Third, Seventh and Tenth Causes of Action, a fine of \$500.00 for each of the Second, Fourth, Fifth, Sixth, Ninth and Eleventh Causes of Action for a total fine of \$5,300.00. The investigative costs were assessed in the amount of \$2,319.00. Mr. Eddings was ordered to pay restitution Specialty Tile, Ramos Plumbing and Red Rock Tile & Marble within 90 days of the September 27, 2006 hearing or license number 32018, Lewis Andrew Eddings, dba Eddings Commercial Contractors will be Revoked. Fines and costs are to be paid within 90 days of the September 27, 2006 Board Hearing or license number 32018, Lewis Andrew Eddings, dba Eddings Commercial Contractors will be Revoked. License shall remain suspended until a new bond is in place and a current financial statement is provided that supports the license limit.

2. DISCIPLINARY HEARING:

PROGRESSIVE LANDSCAPING, LICENSE NO. 56879

Licensee was not present, but represented by counsel, Jonathan Hansen, Esp.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Exhibit #2 – Respondent's counsel's request for a continuance dated September 26, 2006.

Exhibit #3 – Letter dated August 16, 2006 from Whitney stating that the Respondent had paid Whitney \$1,600.00.

Exhibit #4 – Fax from Howe Brothers Contracting dated March 21, 2006, stating that the Respondent had paid them in full (\$2,862.50).

Exhibit #5 – Photo taken on December 12, 2005, of the Boisvert project by Board Investigator LaPointe.

Exhibit #6 – Respondent's change of address dated February 14, 2006 and received at the Board offices on September 28, 2006.

Respondent's Exhibits:

Exhibit A: - A signed agreement between Whitney and Respondent dated March 28, 2006 with a copy of a check made payable to Whitney in the amount of \$1,600.00.

Hearing Officer Wells found Respondent Progressive Landscaping, Daryl Curtis Byerly, President, license number 56879 guilty of violation of NRS 624.3012(2) failure to pay money when due; NRS 624.3012(1) diversion of money; Four (4) violations of NRS 624.302(5) failure to respond to a written request by the Board; 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; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by the Board; NRS 624.3013(4) failure to keep in force bond for full period required by Board; NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; NRS 624.3013(5), as set forth in NRS 624.300 failure to comply with an order directed by the Board. The Second Cause of Action was dismissed. Respondent was assessed fines of \$1,000.00 for each of the First, Third, Fourth, Sixth and Twelfth Causes of Action and a fine of \$500.00 for each of the Fifth, Seventh, Eighth, Ninth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth and Eighteenth Causes of Action for a total fine of \$10,000.00. Fines and costs are to be paid within 30

days of the September 27, 2006 Board Hearing or license number 56879, Progressive Landscaping will be revoked. Mr. Byerly is required to pay restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund prior to consideration of future licensure.

3. DISCIPLINARY HEARING:

PRECISION CONSTRUCTION, INC., LICENSE NOS. 21231, 37692

Licensee was present with counsel, Dennis Prince, Esq.

This matter was continued.

4. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. ELKHORN DEVELOPMENT, INC., LICENSE NO. 50212

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Elkhorn Development, Inc., Ronald Bruce Wright, President, license number 50212, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Wright was found guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3011(1)(a) departure from plans or specifications; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by Board. License number 50212, Elkhorn Development, Inc. was Revoked. Mr. Wright is required to pay full restitution to the damaged parties and reimburse the Board for investigative costs of \$1,557.00 and any expenses that may be paid out of the Residential Recovery Fund.

b. ED LOCKS CONSTRUCTION, INC., LICENSE NO. 16548

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Ed Locks Construction, Inc., Edward Frederick Locks, President, license number 16548, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Locks was found guilty of violation of NRS 624.3016(1) any fraudulent or deceitful act committed in capacity of a contractor; NRS 624.3012(2) failure to pay money when due; NRS 624.3012(1) diversion of money; NRS 624.302(5) failure to respond to written request by the Board; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by Board. License number 16548, Ed Locks Construction, Inc. was Revoked. Mr. Locks is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,641.00 and any expenses that may be paid out of the Residential Recovery Fund.

c. CUSTOM CUT, INC., LICENSE NOS. 57045, 49355

Licensee was present.

This matter was continued.

d. D L C GENERAL CONTRACTING, INC., LICENSE NOS. 47069, 55656

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent D L C General Contracting, Inc., Danny Lee Cates, President, license numbers 47069 and 55656, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Cates was found guilty of violation of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; 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 624.665(1) failure to submit application to Board with changes in officers. License numbers 47069 and 55656, D L C General Contracting, Inc. were Revoked. Mr. Cates is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,497.00 and any expenses that may be paid out of the Residential Recovery Fund.

e. D B A CONTRACTING, LICENSE NO. 48787

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent D B A Contracting, Donald R. Benedict and Linda D. Benedict, Partners, license number 48787, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. and Mrs. Benedict were 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 to Correct; Three (3) violations of NRS 624.302(5) failure to respond to written request by Board; 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) failure to include license number and monetary license limit on contracts; NRS 624.3016(5), as set forth in NRS 624.600 failure to provide required disclosures; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by Board; NRS 624.3012(2) failure to pay any money when due. License number 48787, D B A Contracting was Revoked. Mr. and Mrs. Benedict are required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$2,908.00 and any expenses that may be paid out of the Residential Recovery Fund.

f. PINNACLE BUILDERS NV, INC., LICENSE NO. 57748

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Pinnacle Builders NV, Inc., Brady Howard Sutton, President, license number 57748, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Sutton was found guilty of Two (2) violations of NRS 624.3012(2) failure to pay any money when due; NRS 624.3012(1) diversion of money; Three (3) violations of NRS 624.302(5) failure to respond to written request by Board; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure to comply with written request by Board; NRS 624.3013(4) failure to keep in force bond for full period required by Board; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address within 30 days. License number 57748, Pinnacle Builders NV, Inc. was Revoked. Mr. Sutton is required to pay full restitution to the

damaged parties and reimburse the Board for Investigative costs of \$2,246.00 and any expenses that may be paid out of the Residential Recovery Fund.

g. CARDINAL FLOORS, LICENSE NO. 45236

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Jeff Allen Elkington, dba Cardinal Floors, license number 45236, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Elkington was found guilty of violation of NRS 624.3013(5), as set forth in NAC 624.650(1)(2) association with unlicensed person prohibited; NRS 624.305(1)(2) unlawful use, assignment or transfer of license; NRS 624.3014(2)(a)(b)(c) misuse of license; NRS 624.3013(4) failure to keep in force bond for full period required by Board; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address within 30 days. License number 45236, Jeff Allen Elkington, dba Cardinal Floors was Revoked. Mr. Elkington is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,177.00 and any expenses that may be paid out of the Residential Recovery Fund.

h. NORDIC ELECTRIC, INC., LICENSE NO. 59741

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Nordic Electric, Inc., Jeffrey Alan Bruce, President, license number 59741, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Bruce was found guilty of violation of NRS 624.3016(1) any fraudulent or deceitful act committed in capacity of a contractor; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(4) failure to keep in force bond for full period required by Board. License number 59741, Nordic Electric, Inc. was Revoked. Mr. Bruce is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,315.00 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 11:17 A.M.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Hearing Officer