

JIM GIBBONS
Governor

STATE OF NEVADA

PatrREPLY TO:

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SPIRIDON FILIOS
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JERRY HIGGINS
WILLIAM "BRUCE" KING
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GUY M. WELLS



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
March 28, 2007

CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 9:00 a.m., Wednesday, March 28, 2007, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBER PRESENT:

Mr. Guy Wells
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy 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 March 21, 2007, 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:

B & H CONSTRUCTION, INC., LICENSE NOS. 36397, 36398, 39960

Licensee was present with counsel, Philip Dabney, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent B & H Construction, Inc., Raymond James Hoffman, President, license numbers 36397, 36398, 39960 guilty of violation of NRS 624.3011(1)(a) willful disregard of plans or specifications without the consent of the owner and NRS 624.302(6) failure to comply with a written request by the Board. Mr. Hoffman was assessed a fine of \$1,000.00 for the First Cause of Action and a fine of \$250.00 for the Fifth Cause of Action, making total fines due of \$1,250.00. The Second, Third, Fourth, Sixth and Seventh Causes of Action were dismissed. The

investigative costs were assessed in the amount of \$1,912.00. Fines and costs are to be paid within 90 days of the March 28, 2007 Board Hearing or license numbers 36397, 36398 and 39960, B & H Construction, Inc., will be suspended. Mr. Hoffman is required to pay restitution to Valentina Nash, dba Fat Al's in the amount of \$7,315.00 within 90 days of the March 28, 2007 Hearing or license numbers 36397, 36398 and 39960, B & H Construction, Inc., will be suspended.

2. DISCIPLINARY HEARING:

L.T.D. BUILDERS, INC., LICENSE NO. 53140

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Receipt from Title Company, dated May 15, 2004, paid by Mrs. Della Vedova for a total amount of \$3,500.00 to purchase home.

Exhibit 3 – List of items that Mrs. Della Vedova paid for totaling \$15,560.00.

Exhibit 4 – Copies of checks that Mrs. Della Vedova produced to pay Respondent.

Exhibit 5 – Two estimates that Mr. Bell submitted for items that have not been corrected.

The following Respondent's exhibits were entered:

Exhibit A – Building Permit approved by Boulder City showing grading has been approved on final site dated 8/23/2006.

Exhibit B – Permit Card signed off for the Della Vedova residence.

Hearing Officer Wells found Respondent L.T.D. Builders, Inc., Louis Phillip De Sangro, President license number 53140 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 Board's Notice to Correct, three (3) violations of NRS 624.3015(2) contracting with an unlicensed contractor, 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 and three (3) violations of NRS 624.3016(5), as set forth in NRS 624.600 the name, license number, business address and telephone number of all subcontractors with whom he has contracted with and/or furnished materials for the value of \$500.00 or more, a notice that a person may record a notice of lien, an information form regarding mechanics and materialmen's liens. Mr. De Sangro was assessed fines of \$1,000.00 for each for the First, Ninth and Sixteenth Causes of Action, a \$500.00 fine for each of the Second, Third, Seventh, Tenth, Eleventh, Fifteenth, Seventeenth, Eighteenth and Twentieth Causes of Action for total fines due of \$7,500.00. The Fourth, Sixth, Eighth, Twelfth and Fourteenth Causes of Action were dismissed. The investigative costs were assessed in the amount of \$2,517.00. Restitution is to be made to Della Vedova in the amount of \$8,965.00 and to Bell in the amount of \$4,175.00. Mr. De Sangro is to complete repairs on the Rivera residence within 60 days of the March 28, 2007 hearing, or license number 53140, LTD Builders, Inc., shall be suspended. Restitution, fines and costs are to be paid within 90 days of the March 28, 2007 Board Hearing or license number 53140, L.T.D. Builders, Inc., will be suspended.

3. DISCIPLINARY HEARING:

WATER CREATIONS, LICENSE NO. 49447

Licensee was present with counsel, Mike Mushkin, Esq.

The following Agency Exhibits were entered:

Exhibit A - Board Hearing File.

Board Hearing file will be exhibit A in this case.

The following Respondent's exhibits were entered:

Exhibits 1-19- Documents related to the Ventura complaint.

The Board's Complaint against the Respondent is dismissed contingent upon Respondent complying with its agreement with Mr. Ventura. Ms. Caouette shall make restitution to Mr. Ventura in the amount of \$2,000.00 per Respondent's agreement with Mr. Ventura. Ms. Caouette shall dismiss its civil litigation against Mr. Ventura if Mr. Ventura dismisses his civil litigation against Respondent. All Disciplinary action will be dismissed upon compliance with settlement agreement and no fines or investigative costs will be imposed.

4. DISCIPLINARY HEARING:

INVESTMENT EQUITY BUILDERS, LLC. LICENSE NO. 47257

Licensee was present with counsel, Christopher Reade, Esq.

This matter was continued.

5. DISCIPLINARY HEARING: (Continued from February 21, 2007)

ALL STAR LANDSCAPING CORPORATION, LICENSE NO. 59196

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent All Star Landscaping Corporation, Patrick Ware Robinson, President, license number 59196, guilty of NRS 624.3017(1) substandard workmanship, 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 the license and any monetary limit placed upon his license and NRS 624.3013(3) failure to establish financial responsibility. The Second and Fifth Causes of Action were dismissed. Mr. Robinson was assessed fines of \$250.00 for the Third Cause of Action, a \$50.00 fine for the Fourth Cause of Action for total fines due of \$300.00. No fines were assessed for the First and Sixth Causes of Action. The investigative costs were assessed in the amount of \$1,741.00. Fines and costs are to be paid within 90 days of the March 28, 2007 Board Hearing or license numbers 59296, All Star Landscaping Corporation will be suspended. Respondent accepted suspension of license until a current financial statement is provided that supports the license limit. Mr. Robinson shall make restitution to Thomas Wojtaszek in the amount of \$25,000.00 and shall remove the dead palm trees at the Wojtaszek residence within ninety (90) days from the March 28, 2007 Board hearing or license number 59196, All Star Landscaping Corporation shall be suspended.

6. DISCIPLINARY HEARING:**CLARENCE JOLES ASPHALT, LICENSE NO. 61131**

Licensee was present with counsel, George Robinson, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Clarence Allen Joles, dba Clarence Joles Asphalt, license number 61131, guilty of NRS 624.3016(7) misrepresentation or omission of a material fact or fraudulent or deceitful act to obtain a license, NRS 624.3013(5), as set forth in NRS 624.265(1) an applicant for a contractor's license, licensed contractor and each officer, director, partner and associate must possess good character and NRS 624.3013(2) misrepresentation of a material fact by an applicant or licensee in connection with any information or evidence furnished the Board in connection of official matters of the Board. Mr. Joles was assessed fines due of \$250.00 for each of the First and Second Causes of Action and a fine of \$1,000.00 for the Third Cause of Action making total fines of \$1,500.00. The investigative costs were assessed in the amount of \$1,260.00. Clarence Allen Joles, dba Clarence Joles Asphalt, surrender of license number 61131, is hereby accepted.. If fines and costs are paid within 30 days of the March 28, 2007 hearing, Respondent may reapply for licensure with the Board.

7. CONSIDERATION OF PETITION FOR REHEARING AND MOTION TO STAY DEFAULT ORDER:**U.S.A. PLUMBING & ELECTRICAL, LICENSE NO. 56599**

Licensee was not present, but was represented by counsel, Evan L. James, Esq., who was not present.

Counsel, Evan L. James, Esq., submitted a letter to the Board withdrawing the "Petition for Re-hearing". Petition for re-hearing and Motion to stay Default Order of February 23, 2007, was withdrawn on March 27, 2007. License remains revoked pursuant to the Board's Decision and Order dated February 23, 2007.

8. DISCIPLINARY HEARING – DEFAULT ORDERS:**LAS VEGAS HEATING & COOLING, INC., LICENSE NO. 41404**

Licensee was not present.

The following agency exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Las Vegas Heating & Cooling, Inc., Gerald Hammill, President, license number 41404, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Hammill was found guilty of violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another, NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct, NRS 624.3011(1)(a) willful disregard of plans or specifications without the consent of the owner, NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact, NRS 624.302(5) failure to comply with a written request by the Board, NRS 302.3013(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 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel. Mr. Hammill was assessed fines of \$1,000.00 for each of the First, Second, Third and Fourth Causes of

Action, a \$500.00 fine for the Fifth Cause of Action, a \$100.00 fine for the Sixth Cause of Action, a \$250.00 fine each of the Seventh and Eighth Causes of Action, for total fines due of \$5,100.00. Investigative costs were assessed in the amount of \$1,417.00. License number 41404, Las Vegas Heating & Cooling, Inc., was revoked. Mr. Hammill is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

ALL COLOR CONCRETE, INC., dba MONDOS CONCRETE, LICENSE NO. 50180

Licensee was not present.

The following agency exhibits were entered:
Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent All Color Concrete, Inc., dba Mandos Concrete, Javier Vallejo Rodriguez, President, license number 50180, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Rodriguez was found guilty of violation of 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(5), as set forth in NAC 624.640(4) if license issued by the Board was based on employment of a particular qualified person, the licensee must continue to employ such a person to retain the license, NRS 624.3013(5), as set forth in NAC 624.665(1) a licensee shall submit an application to the Board for any change in its officers or directors, if the licensee is a corporation, NRS 624.3013(4) failure to keep bond in force. License number 50180, All Color Concrete, dba Mandos Concrete was revoked. Mr. Rodriguez was assessed fines of \$750.00 for each of the First and Second Causes of Action, a \$500.00 fine for each of the Third and Fourth Causes of Action for total fines due of \$2,500.00. Investigative costs were assessed in the amount of \$1,354.00. Mr. Rodriguez is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

SUN CASTLE BUILDERS, LLC, LICENSE NO. 45856A

Licensee was not present.

The following agency exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Sun Castle Builders, LLC., Roger Allen Pretzer, Manager, license number 45856A, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Pretzer was found guilty of violation of NRS 624.3013(3) failure to establish financial responsibility, NRS 624.3013(5), as set forth in NRS 624.300 failure to comply with an order from the Board. Mr. Pretzer was assessed fines of \$1,000.00 each for the First and Second Cause of Action. License number, 45856A, Sun Castle Builders, LLC., was Revoked. Investigative costs were assessed in the amount of \$1,761.00. Mr. Pretzer is required to pay restitution to Gale Building Products in the amount of \$13,982.00 and restitution to Ready Mix, Inc., in the amount of \$6,597.58. Mr. Pretzer is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

PAVERPROS INCORPORATED, LICENSE NO. 53910

Licensee was not present.

The following agency exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Paverpros Incorporated., Robert Lamar Day, President, license number 53910, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Day was found guilty of violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service, NRS 624.3013(3) failure to establish financial responsibility, NRS 624.3013(4) failure to keep bond in force. Mr. Day was assessed fines of \$2,000.00 for the First Cause of Action, a fine of \$500.00 for each of the Second and Third Causes of Action making total fines due of \$3,500.00. Investigative costs were assessed in the amount of \$1,196.00. License number, 53910, Paverpros Incorporated was Revoked. Mr. Day is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

C. M. LELLOS, dba CARMA, LTD., LICENSE NO. 48763

Licensee was not present.

Exhibit 1 – Board Hearing File.

The following agency exhibits were entered:

Hearing Officer Wells found Respondent C. M. Lellos, dba Carma, Ltd., Caryn Marie Lellos and Marcia Lareen Lellos, Managers, license number 48763, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Ms. Lellos was found guilty of one (1) violation of NRS. 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; Sixteen (16) violations of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; Eighteen (18) 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 the license and any monetary limit placed upon his license; Eighteen (18) 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 624.302(5) failure to comply with a written request by 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 Board's Notice to Correct; One (1) violation of NRS 624.3013(3) failure to establish financial responsibility. License number, 48763, C. M. Lellos, dba Carma Ltd., was Revoked. Ms. Lellos was fined \$31,800.00 and assessed investigative costs of \$5,859.00. Ms. Lellos is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 1:48 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Hearing Officer