

JIM GIBBONS
Governor

STATE OF NEVADA



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MEMBERS

MARGARET CAVIN, CHAIR
SPIRIDON FILIOS, VICE CHAIR
DAVID W. CLARK
JERRY HIGGINS
WILLIAM "BRUCE" KING
RANDY SCHAEFER
GUY M. WELLS

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

April 11, 2007

CALL TO ORDER:

Hearing Officer Jerry Higgins called the meeting of the State Contractors Board to order at 9:35 a.m., Wednesday April, 11, 2007, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Mr. George J. Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel
Mr. Steve Morris, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law on April 4, 2007 at Reno City Hall, Washoe County Court House and Washoe 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: JERRY HIGGINS

1. DISCIPLINARY HEARING:

R D SWOPE CONSTRUCTION, LICENSE NOS. 44170, 57123, 57124, 57255

Licensee was present with Douglas Brown, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File
Exhibit 2 – Photos taken on April 5, 2007

The following Respondent Exhibit was entered:

Exhibit A – Engineering Report dated March 8, 2007 by Gary L. Hopper, P.E.

Hearing Officer Higgins found Respondent Ronnie Dale Swope, Owner dba R D Swope Construction, license numbers 44170, 57123, 57124, 57255 guilty of violating NRS 624.3011(1)(a) disregard of plans and specifications; 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(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner. Mr. Swope was ordered to pay a fine of \$1,000.00 for the First Cause of Action; \$250.00 for the Second Cause of Action and \$100.00 for the Third Cause of Action for a total fine of \$1,350.00 and assessed investigative costs in

the amount of \$2,248.00. The Fourth Cause of Action was dismissed, however, Licensee has 30 days from April 11, 2007 to provide current accounts receivable and bank statements to the Board or the Fourth Cause of Action will be reinstated. Fines and costs to be paid within 90 days of April 11, 2007 or license numbers 44170, 57123, 57124 and 57255 will be automatically suspended.

2. DISCIPLINARY HEARING:
EAST SLOPE BUILDERS, LICENSE NO. 38737

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Ronald George Soliday, Owner dba East Slope Builders, license number 38737 guilty of violating NRS 624.3012(3) failure to obtain the discharge of Lien; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors. Mr. Soliday was ordered to pay a fine of \$100.00 for the Second Cause of Action and \$250.00 for the Third Cause of Action for a total fine of \$350.00; and assessed investigative costs in the amount of \$1,480.00. No fines were assessed for the First Cause of Action however, if the Licensee does not remove the \$16,994.00 lien from Radtke Tile by April 30, 2007, license number 38737 will be automatically revoked. The Fourth Cause of Action was dismissed. Fines and costs to be paid within 60 days of April 11, 2007 or license number 38737 will be automatically suspended.

3. DISCIPLINARY HEARING:
DEBLOR CORPORATION, LICENSE NO. 60452

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Four Bids from McNeil included the following:

Exhibit 2a – Valley Concrete bid

Exhibit 2b – Unlimited Concrete

Exhibit 2c – Supercurb Concrete

Exhibit 2d – Advance Installation

Exhibit 6 – Three photos from McNeil

The following Respondent Exhibits were entered:

Exhibit 3 – Four photos of Roof

Exhibit 4 (a-i) – Nine photos of debris

Exhibit 5 – Three photos of concrete

Hearing Officer Higgins found Respondent Cindy Dennis President of Deblor Corporation, license number 60452 guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 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 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors. Ms. Dennis was ordered to pay a fine of \$1,000.00 for the First Cause of Action; \$250.00 for the Second Cause of Action; \$100.00 for the Third Cause of Action and \$250.00 for the Fourth Cause of Action for a total fine of \$1,600.00; and assessed investigative costs in the amount of \$1,952.00. Fines and costs to be paid within 60 days of April 11, 2007 or license number 60452 will be automatically suspended.

**4.a DISCIPLINARY HEARING-DEFAULT ORDER:
MEAD AND SON ROOFING, LICENSE NO. 56012**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Gary Norman Mead and Brian Norman Mead, Partners, dba Mead and Son Roofing, license number 56012 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.3013(3) failure to establish financial responsibility. License number 56012 was Revoked. Respondent shall pay full restitution to the damaged party; pay a fine in the amount of \$2,000.00; reimburse the Board for investigative costs of \$1,801.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**4.b DISCIPLINARY HEARING-DEFAULT ORDER:
WESTERN STATES ERECTORS, INC., LICENSE NO. 61661**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Higgins found Respondent Joseph Gerard Benenati, President of Western States Erectors, Inc. license number 61661 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of violating NRS 624.301(2) abandonment of a project when the percentage of the project completed was less than the percentage of the total price of the contract paid to the Respondent at the time of abandonment; 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(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 61661 was Revoked. Respondent shall pay full restitution to the damaged homeowners; pay a fine in the amount of \$2,850.00; reimburse the Board for investigative costs of \$1,763.00 and any claims and associated 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 Higgins at 11:35 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jerry Higgins, Hearing Officer