

**JIM GIBBONS**  
Governor

**STATE OF NEVADA**

**REPLY TO:**

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**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING**  
**February 21, 2007**

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

**CALL TO ORDER:**

Hearing Officer Wells called the meeting of the State Contractors Board to order at 9:00 a.m., Wednesday, February 21, 2007, 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:**

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

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on February 14, 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: GUY WELLS**

**1. DISCIPLINARY HEARING:**

**HORIZON HOMES, dba NEW HORIZON CONSTRUCTION COMPANY,**  
(LICENSE NO. 31369)

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A letter from the Respondent to Willowdale Estates Homeowners dated February 13, 2007.

The following Licensee's Exhibits were entered:

Exhibit A – Correspondence from the Respondent to each complainant.

Exhibit B – A home inspection by JSN Home Inspections, LLC on the Allen residence.

Hearing Officer Wells found Respondent Horizon Homes, Inc., dba New Horizon Construction Company, Larry Henry Powers, President, license number 31369 guilty of four (4) violations of NRS 624.3017(1) substandard workmanship; four (4) 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. Respondent was assessed fines of \$2,000.00 each for the First, Fifth, Seventh and Ninth Causes of Action, a fine of \$500.00 for each of the Second, Sixth, Eighth and Tenth Causes of Action, making total fines due of \$10,000.00 The Third and Fourth Causes of Action were dismissed. The Board's investigative costs were assessed in the amount of \$4,937.00. If Respondent timely repairs the remaining items on the Board's Notices to Correct or reaches a monetary settlement with Priola, Breckinridge, Allen and Spenia within sixty (60) days of the February 21, 2007 hearing, the fines for the First, Fifth, Seventh and Ninth Causes of Action of \$8,000.00 may be rescinded. If Respondent fails to: (a) timely effect the required repairs; (b) reach an agreed upon financial settlement with the homeowners; or (c) pay the assessed fines of \$8,000.00 within sixty (60) days of the February 21, 2007 hearing, license number 31369 shall be suspended. The remaining fines of \$2,000.00 and the Board's Investigative costs shall be paid within sixty (60) days of the February 21, 2007 hearing, or license number 31369, Horizon Homes, Inc., dba New Horizon Construction Company shall be suspended.

## 2. DISCIPLINARY HEARING:

SUNSHINE INC., dba SUNSHINE FLOOR AND DESIGN GALLERY, LICENSE NOS. 49900, 49902, 55109

BEST INSTALLATION TILE AND MARBLE, INC., LICENSE NOS. 51435, 51436, 62348

Licensee was not present, Keith Gregory, Esq., Licensee's counsel was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Keith Gregory, Esq., representing Sunshine Inc., dba Sunshine Floor and Design Gallery and Best Installation Tile and Marble, Inc., presented to the Board that an agreement had been reached between Hardin and the Respondent, whereby Respondent shall dismiss its civil suit against Mr. Hardin after Mr. Hardin withdraws his complaint with the Board per Respondent's agreement with Mr. Hardin The Respondent shall make restitution to Mr. Perez in the amount of \$1,200.00 per Respondent's agreement with Mr. Perez. The Board's Complaint against the Respondent is dismissed contingent upon Respondent complying with its agreements with Mr. Perez and Mr. Hardin. The Board's investigative costs were assessed in the amount of \$2,016.00 to be paid within 30 days of the February 21, 2007 Board Hearing or license numbers 49900, 49902, 55109, Sunshine, Inc., dba Sunshine Floor & Design Gallery and license numbers 51435, 51436, 62348, Best Installation Tile and Marble, Inc. shall be suspended.

## 3. DISCIPLINARY HEARING:

CHANOS LANDSCAPING SERVICE, LICENSE NOS. 46430

Licensee was present .

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Licensee's Exhibits were entered:

Exhibit A – A letter from the Division of Industrial Relations dated February 15, 2006, a letter from the Division of Industrial Relations dated December 13, 2005, Respondent's Vendor Balance Detail and copies of checks.

Hearing Officer Wells found Respondent Feliciano Pineda Rossal, dba Chanos Landscaping Service, license number 46430, guilty of violation NRS 624.3011(1)(b)(4) willful disregard and violation of the laws of the State regarding industrial insurance; NRS 624.302(2) failure to comply with a written citation issued within the time permitted for compliance set forth in the citation. Respondent was found guilty of the First and Second Causes of Action, however, no fines were assessed. The Respondent shall pay the Premium Penalty of \$2,082.64 and the Administrative Fine of \$1,000.00 totaling \$3,082.64 to the Division of Industrial Relations, Worker's Compensation Section within sixty (60) days of the February 21, 2007 hearing, or license number 46430, Feliciano Pineda Rossal, dba Chanos Landscaping Service shall be suspended. The Respondent shall reimburse the Board's investigative fees and costs in the amount of \$1,273.00 within sixty (60) days from the February 21, 2007 hearing, or license number 46430, Feliciano Pineda Rossal, dba Chanos Landscaping Service shall be suspended.

#### 4. DISCIPLINARY HEARING:

J. G. ENTERPRISES, LICENSE NO. 41766

Licensee was present with counsel, Janet Trost, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File

Hearing Officer Wells found Respondent James Ray Gray, dba J. G. Enterprises, license number 41766 guilty of violation; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3016(5), as set forth in NRS 624.600 failure to comply with NRS 624.600; 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 the license and any monetary limit placed upon his license. Respondent was found guilty of the Sixth, Seventh, Eighth and Tenth Causes of Action, however, no fines were assessed. The Respondent shall make restitution to Songen in the amount of \$2,500.00 within thirty (30) days from the February 21, 2007 hearing, or license number 41766, James Ray Gray, dba J.G. Enterprises, shall be suspended. If Respondent timely makes restitution of \$2,500.00 to Songen, the First, Second, Third, Fourth and Fifth Causes of Action of the Board's Complaint are dismissed. The Ninth Cause of Action of the Board's Complaint is dismissed. The Board's investigative costs were assessed in the amount of \$2,471.00 to be paid within 60 days of the February 21, 2007 Board Hearing or license number 41766, James Ray Gray, dba, J. G. Enterprises shall be suspended.

#### 5. DISCIPLINARY HEARING:

AMERICAN STEEL CORPORATION, LICENSE NO. 26385

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File

The following Licensee's Exhibits were entered:

Exhibit A – Two (2) checks payable to American Steel from Assemblies of God.

Exhibit B – Numerous copies of e-mails between the Respondent and Harvest Church members.

Hearing Officer Wells found Respondent American Steel Corporation, Sharon Jean Puckett, President, license number 26385 guilty of violation NRS 624.3015(2) contracting for a sum for one construction project in excess of license limit; NRS 624.3015(1) acting beyond scope of license; NRS 624.301(2)

abandonment of construction project when percentage completed is less than percentage of total contract paid; 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. Respondent was assessed a fine of \$1,000.00 each for the First, Second and Fourth Causes of Action, and a fine of \$500.00 for the Seventh Cause of Action making total fines due of \$3,500.00. The Third, Fifth and Sixth Causes of Action were dismissed. The Board's investigative costs were assessed in the amount of \$2,171.00. Fines and costs are to be paid within 60 days of the February 21, 2007 Board Hearing or license number 26385, American Steel Corporation shall be suspended.

#### **6. DISCIPLINARY HEARING:**

##### **ARTISTIC POOL/SPA, LICENSE NO. 24446**

Licensee was present with counsel, Robert Nersesian, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Office Wells found Respondent Artistic Pool & Spa, Inc., Ronald John Foglia, President, license number 24446, in violation of NRS 624.302(6) failure to comply with a written request by the Board. The Fourth, Sixth, Seventh and Eighth Causes were dismissed. The Fifth Cause of Action shall be dismissed if Respondent provides Mr. Perkins lien releases within fifteen (15) days from the February 21, 2007 Hearing. Mr. Perkins will be granted fifteen (15) days from the February 21, 2007 hearing to provide a list of all items that need to be completed per the contract. The Respondent shall be granted fifteen (15) days after receiving Mr. Perkins list to review the list and reach a final decision on the repairs with Mr. Perkins. The Respondent shall hire a properly licensed contractor to complete the Perkins project to industry standards with sixty (60) days after receiving Mr. Perkins list. The First, Second and Third Causes Action shall be stayed until after the Perkins project is completed. If work is timely completed to industry standards, the First, Second and Third Causes of Action of the Board's Complaint shall be dismissed. This matter shall be brought back before Hearing Officer Wells for a disciplinary hearing if the matter is not resolved between the Respondent and Mr. Perkins within ninety (90) days of the February 21, 2007 hearing.

#### **7. DISCIPLINARY HEARING – DEFAULT ORDERS:**

##### **a. M R. M. SHOTCRETE BUILDERS, LICENSE NO. 60278**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Richard Santos Segura, dba M. R. M. Shotcrete Builders, license number 60278, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Segura was found guilty of two (2) violations of NRS 624.3012(2) willful failure to pay any money when due to materials or service; NRS 624.302(5) failure to comply with a written request by the Board; NRS 624.3012(1) diversion of money; NRS 624.3012(3) Failure to obtain the discharge or release of any lien recorded against the property; 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 624.3013(3) failure to establish financial responsibility. License number 60278, Richard Santos Segura, dba M. R. M. Shotcrete Builders, was revoked. Respondent was assessed fines of \$500.00 each for the First, Second, Fourth and Seventh Causes of Action, a fine of \$250.00 each for the Third, Eighth, and Ninth Causes of Action and a fine of \$1,000.00 each for the Fifth and Sixth Causes of Action making total fines due of \$4,750.00. Investigative costs were

assessed in the amount of \$2,047.00. Mr. Segura is required to pay restitution of \$3,592.03 to Orbit Ready Mix. Mr. Segura is required to pay full restitution to all other damaged parties, reimburse the Board's fines and investigative costs plus any expenses paid out of the Residential Recovery Fund prior to consideration of future licensure.

**b. U. S. A. PLUMBING AND ELECTRICAL, LICENSE NO. 56599**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Hearing Officer Wells found Respondent U. S. A. Plumbing and Electrical, Estine Akopyan, President, license number 56599, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Akopyan was found guilty of NRS 624.30165(1) a contractor states that service, parts, equipment or repairs are needed and actually are not needed; NRS 624.30165(2) a contractor makes false or misleading statements to induce another person to use their services; NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; NRS 624.3014(1)(a) acting in the capacity of a contractor under any license issued except under the name of the licensee; 624.3013(5), as set forth in NRS 724.720(3) all advertising by a licensed contractor must include the name of his company and the number of his license; NRS 624.3013(3) failure to establish financial responsibility. License number 56599, U. S. A. Plumbing & Electrical, Estine Akopyan, President, was revoked. Investigative costs were assessed in the amount of \$1,511.00. Respondent was assessed fines of \$2,000.00 for the First Cause of Action, a fine of \$1,000.00 each for the Second and Third Cause of Action, a fine of \$500.00 each for the Fourth and Fifth Cause of Action and a fine of \$250.00 for the Sixth Cause of Action making total fines due of \$5,250.00. Mr. Akopyan is required to pay full restitution to all damaged parties and reimburse the Board for fines and investigative costs plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**c. LEOS PAINTING AND DRYWALL, LICENSE NO. 51413**

Licensee was present.

This matter was continued.

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

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Affordable AM PM Plumbing, Inc., dba Affordable AM PM Plumbing, Ronald Sikora, President, license number 49498, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Sikora was found guilty of NRS 624.301(1) abandonment of construction project; NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; 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; 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 by the Board. License number 49498, Affordable AM PM Plumbing, Inc., dba Affordable AM PM Plumbing, Ronald Sikora, President, was revoked. Respondent was assessed fines of \$1,000.00 each for the First and Second Cause of Action, a fine of \$500.00 each for the Third, Fourth and Fifth Cause of Action, a fine of \$500.00 each for the Fourth and Fifth Cause of Action

making total fines due of \$3,500.00. Investigative costs were assessed in the amount of \$1,510.00. Mr. Sikora is required to pay full restitution to all damaged parties and reimburse the Board for fines and investigative costs plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**e. RELIABLE FLOORING AND CARPET, INC., dba SUBLIME ENTERPRISES,** LICENSE NOS. 50499, 55705, 55706, 55510

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Reliable Flooring and Carpet, Inc., dba Sublime Enterprises, Robert Joseph Kirkwood, President, license numbers 50499, 55705, 55706, 55510, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Kirkwood 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 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3015(1) acting beyond scope of license; NRS 624.302(6) failure to comply with a written request by the Board; NRS 624.3011(1)(b)(2) willful disregard of the safety or labor laws of the State; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3018(2) certain persons prohibited from serving as officer, director, associate or partner of licensee. License numbers 50499, 55705, 55706 and 55510, Reliable Flooring and Carpet, Inc., dba Sublime Enterprises, Robert Joseph Kirkwood, President, was revoked. Respondent was assessed fines of \$1,000.00 each for the First, Second, Fourth and Sixth Causes of Actions, a fine of \$100.00 for the Third Cause of Action, a fine of \$500.00 each for the Fifth and Eighth Causes of Action and a fine of \$250.00 for the Seventh Cause of Action making total fines due of \$5,350.00. Investigative costs were assessed in the amount of \$1,674.00. Mr. Kirkwood is required to pay full restitution to all damaged parties and reimburse the Board for fines and investigative costs plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**f. ALL STAR LANDSCAPING CORPORATION,** LICENSE NO. 59196

Licensee was present.

This matter was continued.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 3:42 p.m.

Respectfully Submitted,

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Janet Brinkley, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Guy Wells, Hearing Officer