

BRIAN SANDOVAL
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STATE OF NEVADA



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MEMBERS
Kevin E. Burke, Chairman
Thomas "Jim" Alexander
Donald L. Drake
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn
Guy M. Wells

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING October 19, 2011

CALL TO ORDER:

Hearing Officer Quinn called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, October 19, 2011, 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. Stephen Quinn, Hearing Officer
Mr. Donald Drake, Board Member

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations

STAFF MEMBERS NOT PRESENT:

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 October 13, 2011, 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: STEPHEN QUINN

1. DISCIPLINARY HEARING:

PROFESSIONAL HANDYMAN SERVICES, dba FLOORING AND CONSTRUCTION SERVICES, License No. 74331

Licensee was present with counsel, James Smith, Esq.

Four witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Hearing Officer Quinn dismissed the First Cause of Action. Respondent must provide a current compiled financial statement with bank verification form for all cash accounts that support the license limit within sixty (60) days of the October 19, 2011 Board Hearing. If Respondent provides the financial statement within sixty (60) days, the Second Cause of Action shall be dismissed. Investigative costs are in the amount of \$1,408.00 and must be paid with ninety (90) days of October 19, 2011 Board Hearing. Respondent shall make restitution to Robert Coles in the amount of \$4,250.00 within thirty (30) days of the October 19, 2011 Board Hearing.

2. DISCIPLINARY HEARING:

BENEDICT CONSTRUCTION, INC., License No. 18938A

Licensee was present.

Two witnesses testified for the Board.

Mr. Quinn disclosed that he is acquainted with the licensee's brother but has never conducted business with him.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Answer to the Board's Complaint dated September 27, 2011.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$100.00 for the First Cause of Action and investigative costs in the amount of \$1,356.00. The Second Cause of Action was dismissed. The fines and costs are to be paid plus a financial statement that supports the license limit is to be provided prior to consideration of reactivation of the license.

3. DISCIPLINARY HEARING:

PEEK CONSTRUCTION COMPANY, License No. 62283

WILLIAMS BROTHER, INC., License Nos. 59537, 60631

Licensee was present and represented by counsel, Dennis Haney, Esq. and Shemilly Briscoe, Esq.

Richard Peel, Esq. was present representing U.S.A. Shade and Fabric Structures, Inc. and his firm was representing HD Supply Waterworks.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – An email to a Board Investigator received on October 13, 2011 from TNT Masonry Corporation stating they have been paid and a copy of the check dated October 10, 2011 was attached.

Exhibit 3 – City of Las Vegas payments to Peek Construction Company provided by Viking Environmental Corporation.

Exhibit 4 – Viking Environmental Corporation's Unconditional Waiver and Release upon final payment dated October 18, 2011.

Exhibit 5 – Check from Peek Construction Company to Viking Environmental Corporation.

Exhibit 6 – Three (3) notices of administrative meetings.

Exhibit 7 – E-mails between Board investigator and Peek Construction Company.

Exhibit 8 – E-mail between Dan Hammack, Chief of Enforcement and Shemilly Briscoe, Esq. regarding Board's Complaint.

The following Respondent's Exhibits were entered:

Exhibit A – A letter from the Respondent to the Board dated June 20, 2010.

Dennis Haney, Esq. has thirty (30) days from the October 19, 2011 Board Hearing to prepare a brief to include exhibits to substantiate the brief. David Brown, Esq. will have two (2) weeks to respond to such brief.

Dennis Haney, Esq. will have one (1) week to respond to such brief. The briefs will then go to Mr. Quinn for a decision.

4. DISCIPLINARY HEARING: (Continued from July 20, 2011 and August 17, 2011)

CITYWIDE ELECTRIC, INC., dba CITYWIDE HEATING AIR AND ELECTRICAL, License No. 56714

Licensee was present.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Hearing Officer Quinn found Respondent 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 Board's Notice to Correct; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; 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 the license and any monetary limit placed upon his license. Respondent was assessed a fine of \$250.00 for each of the Second, Third and Fourth Causes of Action; a fine of \$500.00 for the Fifth Cause of Action; a fine of \$100.00 for the Sixth Cause of Action for total fines of \$1,350.00 and investigative costs of \$3,150.00. The Seventh Cause of Action was dismissed. Respondent shall make restitution to Sandra Sweeney in the amount of \$3,200.00. Fines and costs are to be paid within sixty (60) days of the October 19, 2011 Board Hearing or license number 56714, Citywide Electric, Inc., dba Citywide Heating, Air and Electrical shall be revoked.

5. DISCIPLINARY HEARING: (Stipulated Revocation)

a. CASTELLO EXCAVATION AND GRADING, INC., License No. 41988

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing file.

Exhibit 2 - Respondent's letter to the Board dated September 19, 2011 stipulating to the revocation of his license and a copy of the Notice of Hearing for Chapter 7 Bankruptcy, effective October 10, 2011.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was not assessed a fine or investigative costs due to Respondent filing for Chapter 7 Bankruptcy.

b. CASINO LIGHTING AND SIGN, License Nos. 49049, 42952, 40053

CASINO SIGNS AND GRAPHICS, INC., dba CASINO SIGNS, License No. 74099

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing file.

Exhibit 2 – Respondent's letter to the Board dated October 3, 2011 stipulating to the revocation of the license.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; two (2) violations of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,429.00. License numbers 49049, 42952 and 40053, Casino Lighting and Sign and license number 74099, were revoked. Respondent 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.

6. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. SACHAN CORPORATION, License No. 73733

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days.

b. WESTERN PRIDE CONSTRUCTION, LLC, License No. 51108

WESTERN PRIDE CONSTRUCTION, LLC, License No. 51639

WESTERN PRIDE CONSTRUCTION, LLC, dba WESTERN PRIDE ELECTRIC, License No. 59846

WESTERN PRIDE CONSTRUCTION, LLC, dba WESTERN PRIDE PLUMBING, License No. 69230

Licensee was not present but was represented by counsel, Robert Robbins, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for sixty (60) days.

c. BULLOCK INSULATION AND CONTRACTING, INC., License Nos. 75276, 75291

VALLEY PIPE INSULATION AND FIRE STOP, LLC, License Nos. 70222, 70223

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Bullock Insulation and Contracting, Inc., license numbers 75276 and 75291 and Valley Pipe Insulation and Fire Stop, LLC, license numbers 70222 and 70223 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; three (3) violations of NRS 624.3013(4) failure to keep bond in force; two (2) violations of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 the First Cause of Action; a fine of \$250.00 for each of the Second, Third and Fourth Causes of Action for total fines of \$1,250.00 and investigative costs in the amount of \$1,414.00. License numbers 75276 and 75291, Bullock Insulation and Contracting, Inc., and license numbers 70222 and 70223, Valley Pipe Insulation and Fire Stop, LLC were revoked. Respondent 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 Quinn at 11:57 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Stephen Quinn, Hearing Officer