

BRIAN SANDOVAL
Governor

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

STATE OF NEVADA



STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
DECEMBER 7, 2011**

REPLY TO:

NORTHERN NEVADA
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

www.NSCB.nv.gov

SOUTHERN NEVADA
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

CALL TO ORDER:

Jonathan L. Andrews, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, **December 7, 2011**, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

OTHER BOARD MEMBERS PRESENT:

Mr. Donald L. Drake

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George J. Lyford, Director of Investigations
Mr. Daniel Hammack, Chief Enforcement
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Louis Ling, Esq. Legal Counsel
Jonathan L. Andrews, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law **December 1, 2011** 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: DONALD L. DRAKE

2. DISCIPLINARY HEARING:

T R C CONSTRUCTION INC, LICENSE NO. 74498

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1– Board Hearing File

The following Respondent Exhibit was entered:

Exhibit A– Answer from Respondent

Hearing Officer Drake found the Respondent T R C Construction Inc, license number 74498 guilty of violating NRS 624.3011(1)(b)(2) failure to comply with the safety laws or labor laws of the state; NRS

624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3011(1)(b)(4) failure to comply with the building laws of the state regarding industrial insurance; NRS 624.3014(2)(a) aiding or abetting an unlicensed contractor and NRS 624.302(5) failure or refusal to cooperate in an investigation. Mr. Sorensen was ordered to pay a fine of \$1,000.00 for the First Cause of Action, \$250.00 for the Second Cause of Action; \$5000.00 for the Third Cause of Action, \$100.00 for the Fourth Cause of Action and \$250.00 for the Fifth Cause of Action for a total fine of \$2,100.00; and assessed investigative costs in the amount of \$1,789.00. The Sixth Cause of Action is dismissed. Fines and fees are to be paid within 30 days of December 7, 2011 or license number 74498 will automatically be suspended.

**3. DISCIPLINARY HEARING-DEFAULT HEARING:
AIR WOLF, LICENSE NO. 55749**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1– Board Hearing File

Hearing Officer Drake found Respondent Air Wolf, license number 55749 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 624.3011(1)(b)(1) failure to comply with the building laws of the state; NRS 624.3014(2)(a-d) Aiding or abetting an unlicensed person; NRS 624.302(5) failure or refusal to cooperate in an investigation; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.3016(1) fraudulent or deceitful act; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner and NRS 624.3013(3) failure to establish financial responsibility. License number 55749 was revoked. Respondent shall pay an administrative fine in the amount of \$2,400.00 and reimburse the Board for investigative costs of \$1,838.00.

**4. DISCIPLINARY HEARING:
INDEPENDENT SHEET METAL dba, I S M INTERNATIONAL, LICENSE NO. 18280**

Licensee was present and was represented by Hal Taylor, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondents Exhibits were entered:

Exhibit A- Letter from Hal Taylor, Esq.

Exhibit B- Answer

Hearing Officer Drake dismissed the First Cause of Action NRS 624.3013(3) failure to establish financial responsibility and placed the license on inactive status. Upon re-activation of Respondent's license, a current CPA prepared financial statement shall be required that meets its monetary license limit.

**5. DISCIPLINARY HEARING:
ROBB JENNINGS CONSTRUCTION, LICENSE NO. 38026B**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondents Exhibits were entered:

Exhibit A- Letter dated June 13, 2011

Exhibit B- Answer dated July 14, 2011

Exhibit C- Answer from Respondent dated November 9, 2011

Hearing Officer Drake Respondent Robb Jennings Construction LLC, license number 38026B guilty of violating NRS 624.302(2) failure to comply with a written citation; NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NRS 624.3015(4) knowingly entering into a contract with a contractor while that contractor is not licensed; NRS 624.3014(2)(a) Aiding or abetting an unlicensed person and NRS 624.3013(3) failure to establish financial responsibility. Mr. Jennings was ordered to pay an administrative fine of \$6,000.00 from the administrative citation dated July 21, 2011, plus the interest incurred of \$107.06 and investigative costs of \$1,923.00 for a total of \$8,030.06. The fines and fees are to be paid within 60 days of December 7, 2011 or license number 38026B will automatically be revoked. License shall remain suspended until all fines, costs and fees are paid.

6. FINANCIAL RESPONSIBILITY HEARING:

MARK JOHN KESNER dba, WALTER WADE BUILDERS, LICENSE NO. 75746

Licensee was present.

Hearing Officer Drake found the Respondent Mark John Kesner dba, Walter Wade Builders, license number 75746 guilty of violating NRS 624.3013(3) failure to establish financial responsibility and NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records. The license of Walter Wade Builders, license number 75746 is placed on inactive status, at the request of the licensee.

7. FINANCIAL RESPONSIBILITY HEARING:

R C S MAINTENANCE LLC, LICENSE NO. 75228

Licensee was present.

Hearing Officer Drake found the Respondent R C S Maintenance LLC, license number 75228 guilty of violating NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records and NRS 624.3013(4) failure to keep in full force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board. The licensee shall provide a current bond, financial statement supporting its monetary license limit and a bank verification form; license shall remain suspended until the documents are provided.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Drake at 9:55 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Donald L. Drake, Hearing Officer