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STATE OF NEVADA



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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING May 23, 2012

CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 8:32 a.m., Wednesday, May 23, 2012, 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, Hearing Officer
Mr. Donald Drake, Board Member

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel
Mr. Jonathan Andrews, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on May 17, 2012, 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's Internet Website.

ADJUDICATING BOARD MEMBER: GUY WELLS

1. DISCIPLINARY HEARING: (Continued from January 18, 2012)

CABINET SAVERS, INC., License No. 71751

CHENES CONSTRUCTION, LLC, License Nos. 39261A, 70622, 70623, 70624, 70625

Licensee Vincent Decarolis was not present nor represented by counsel at the hearing.

Jeffrey Chenes was present at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A letter from Marjorie Szigety to the Board dated May 9, 2012.

Exhibit 3 – An e-mail from Robert Ostrovsky to the Board dated May 17, 2012.

Exhibit 4 – An e-mail from Lisa Tribuli to the Board dated May 17, 2012.

Exhibit 5 – An e-mail from Julie Cole to the Board dated May 18, 2012.

Exhibit 6 – A letter from Guillermo and Magda Trujillo to the Board dated May 20, 2012.

Exhibit 7 – A fax from William Lawbaugh to the Board dated May 23, 2012.

The following Respondent Exhibits were entered:

Exhibit A – Jeffrey Chenes' Answer to the Board's Amended Complaint dated April 10, 2012.

Hearing Officer Guy Wells continued this matter to June 20, 2012. Jeffrey Chenes was ordered to pay the homeowners who were harmed by Cabinets Savers, Inc., provide a written resolution with homeowner William Lawbaugh and provide a written payment agreement with the material suppliers listed in the Board's Complaint.

2. DISCIPLINARY HEARING: (Continued from February 22, 2012)

D. E. D. LANDSCAPING, INC., License No. 67457

DAVISON EXTERIOR DESIGN, INC., License No. 76567

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – An e-mail from Allen Sakaguchi to the Board dated May 17, 2012.

Exhibit 3 – A letter from Eric Dobberstein, Esq. to the Board dated May 14, 2012 requesting a continuance.

Exhibit 4 – A letter from the Board to Eric Dobberstein, Esq. dated May 15, 2012 denying the continuance on staff level.

Exhibit 5 – A letter from Eric Dobberstein, Esq. dated May 22, 2012 stipulating to the revocation of license number 76567.

The following Respondent Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Amended Complaint dated May 22, 2012.

Hearing Officer Wells found Respondents guilty of two (2) violations of NRS 624.301(5) failure to comply with the terms of a construction contract; two (2) violations of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; two (2) violations of NRS 624.3014(1)(a) acting in the capacity of a contractor under any license issued except in the name of the licensee as set forth upon the license; 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; one (1) violation of NRS 624.301(2) abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the

scope of the license; one (1) violation of NRS 624.302(6) failure to comply with a written request from the Board for information or records; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) if any change occurs in a licensee's address or personnel which affects the accuracy of the statements in the application upon which his license is based, he shall report the change in writing to the Board within 30 days after the change occurs; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondents were assessed a fine of \$1,000.00 each for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Causes of Action for total fines of \$14,000.00 and investigative costs of \$2,707.00. License number 67457, D. E. D. Landscaping, Inc. and license number 76567, Davison Exterior Design, Inc. were revoked. Respondents are 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.

3. DISCIPLINARY HEARING:

1001 ENTERPRISES, LLC, dba HOUSE 2 HOME ELECTRIC, License No. 76271

Licensee was present at the hearing but not represented by counsel.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A license search detail information for 1001 Enterprises, LLC, dba House 2 Home Electric and Secretary of State entity details for House 2 Home.Com, Inc., House 2 Home Retail, Inc. and 1001 Enterprises, LLC.

The following Respondent Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated April 23, 2012.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license and two (2) violations of NRS 624.3017(3) advertising projects of construction beyond the scope of the license. Respondent was assessed a fine of \$250.00 each for the First, Fourth and Fifth Causes of Action for total fines of \$750.00 and investigative costs of \$1,785.00. The Second, Third and Sixth Causes of Action were dismissed. Fines and investigative costs are to be paid within ninety (90) days of the May 23, 2012 hearing or license number 76271, 1001 Enterprises, LLC, dba House 2 Home Electric shall be suspended.

4. DISCIPLINARY HEARING: (Continued from April 18, 2012)

COPERTINO, INC., dba ICE COLD AIR & HEATING, License No. 63408

Licensee was present at the hearing but not represented by counsel.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – A permit application for the Nguyen Project dated January 3, 2012.

Exhibit 3 – A handwritten accounting of the cost of the project by Nguyen.

The following Respondent Exhibits were entered:

Exhibit A - A multiple pages exhibit to include a copy of e-mails between Respondent and the Board plus

copies of photos taken at the Nguyen Project.

Exhibit B – A City of Las Vegas Inspection Result dated May 3, 2012.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship and one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action and a fine of \$250.00 for the Fifth Cause of Action for total fines of \$750.00 and investigative costs of \$2,448.00. The Second, Third and Fourth Causes of Action were dismissed. Fines and investigative costs are to be paid within ninety (90) days of the May 23, 2012 hearing. Respondent shall provide a current compiled financial statement with bank verifications for all cash accounts that support the license limit within thirty (30) days of the May 23, 2012 hearing. If Respondent timely provides the financial statement, the Sixth Cause of Action shall be dismissed. If Respondent fails to timely provide the financial statement, guilt will be found on the Sixth Cause of Action with a fine assessed of \$1,000.00. License number 63408, Copertino, Inc., dba Ice Cold Air & Heating shall be suspended until Respondent provides the financial statement and pays the fines and investigative costs. If Respondent fails to comply with the Decision and Order, license number 63408, Copertino, Inc., dba Ice Cold Air & Heating shall be revoked.

5. DISCIPLINARY HEARING: (Stipulated Revocation) (Continued from April 18, 2012)

FABER BROS. CO., INC., License Nos. 14942, 27028

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – Respondent's letter to the Board dated April 25, 2012.

Hearing Officer Wells found Respondent guilty of one (1) violation of NRS 624.305(1) no license may be used by any person other than the person to whom the license is issued; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.650(1) a licensee shall not permit his contracting business to be operated by an unlicensed person; two (2) violations of NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; two (2) violations of NRS 624.3014(2)(b) conspiring with an unlicensed person to perform an unauthorized act; two (2) violations NRS 624.3014(2)(c) allowing a license to be used by an unlicensed person; two (2) violations of NRS 624.3014(2)(d) acting as agent, partner or associate of an unlicensed person; one (1) violation of NRS 624.3013(4) failure to keep the bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation 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 each for the First, Second, Third, Fourth, Fifth and Sixth Causes of Action for total fines of \$3,000.00 and investigative costs of \$2,199.00. License numbers 14942 and 27028, Faber Bros. Co., Inc. 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 pay the fines and investigative costs prior to consideration of future licensure.

6. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. K 1 CONSTRUCTION, INC., License No. 66560

Licensee was not present at the hearing but was represented by Sok Ju Lim.

Hearing Officer Wells continued this matter to June 20, 2012. Sok Ju Lim was ordered to inform the Licensee to provide a written answer to the Board's Complaint and provide a current financial statement prior to the hearing. License number 66560, K 1 Construction, Inc. was suspended.

b. SOUTHERN NEVADA CABINETS, INC., License No. 25951A**HOLMES HOME CONSTRUCTION, INC.,** License No. 51214

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondents Southern Nevada Cabinets, Inc., license number 25951A and Holmes Home Construction, Inc., license number 51214 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondents were found guilty of one (1) violation of NRS 624.301(5) failure to comply with the terms of a construction contract; one (1) violation of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; one (1) violation 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 624.3013(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; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondents were assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$500.00 each for the Second and Fifth Causes of Action; a fine of \$100.00 for the Third Cause of Action; and a fine of \$250.00 for the Fourth Cause of Action for total fines of \$2,350.00 and investigative costs of \$1,469.00. License number 25951A, Southern Nevada Cabinets, Inc. and license number 51214, Holmes Home Construction, Inc. were revoked. Respondents are required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

c. NEVIA, INC., dba COMMERCIAL CABINET COMPANY, License No. 44783

Licensee Curtis Moon was present at the hearing but not represented by counsel.

David Chares Duran was present at the hearing but not represented by counsel.

Hearing Officer Wells continued this matter to June 20, 2012. The Respondent was ordered to provide a written answer to the Board's Complaint and provide a current financial statement prior to the hearing. License number 44783, Nevias, Inc., dba Commercial Cabinet Company was suspended. The Board's Complaint against Richard Douglas Whitmore and David Charles Duran was dismissed.

d. ORBIT ELECTRIC, LLC, dba NATIONAL ELECTRICAL GROUP, License No. 71783

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Orbit Electric, LLC, dba National Electrical Group, license number 71783 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. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,414.00. License number 71783, Orbit Electric, LLC, dba National Electrical Group was 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 pay the 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 12:48 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Guy M. Wells, Hearing Officer