

BRIAN SANDOVAL
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
SEPTEMBER 5, 2012**

REPLY TO:

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

CALL TO ORDER:

Bruce Robb Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday **September 5, 2012**, 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
Ms. Susan Broili-Kamesch, Licensing Supervisor – Reno
Ms. Cindie Gee, Licensing Supervisor-Henderson

LEGAL COUNSEL PRESENT:

Louis Ling, Esq., Legal Counsel
Bruce Robb, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law **August 29, 2012** 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

**3. DISCIPLINARY HEARING-DEFAULT HEARING
KENISON CONSTRUCTION, License No. 69069**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Hearing File

Hearing Officer Drake found Respondent Kenison Construction Inc, license number 69069 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 construction project when

the percentage of the project completed in less than the percentage of the total price of the contract paid; NRS 624.301(3) ;NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; 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 624.3016(6) failure to comply with NRS 624.600 which requires disclosures by general building contractors; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3012(1) diversion of money or property received for the completion of a specific construction project or operation or for a specified purpose in the completion of any construction project acting in the capacity of a contractor; NRS 624.3012(2) failure to pay for materials and services; NRS 624.3011(2) if a contractor performs construction without obtaining any necessary building permit there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this State or of its political subdivisions; 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 624.3013(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 and NRS 624.3013(3) failure to establish financial responsibility. License number 69069 was revoked. Respondent shall pay a fine of \$10,550.00 and reimburse the Board for investigative costs of \$3,062.00.

4. DISCIPLINARY HEARING:

MICHAEL RALPH BOOHER dba, ACOUSTICAL & DRYWALL SERVICES, LICENSE NO. 22170
IMTIAZ AHMED dba, N S CONSTRUCTION, LICENSE NO. 35158

Licensees were present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A – 4 pages of Plan Review

Exhibit B – Broline Integrated Systems invoice

Hearing Officer Drake found the Respondent's ADS guilty of NRS 624.3015(2) bidding to contract or contracting for a sum for one construction project in excess of the limit placed on the license by the Board; NSC and ADS NRS 624.3015(2) bidding to contract or contracting for a sum for one construction project in excess of the limit placed on the license by the Board; NSC and ADS NRS 624.3013(5) as set forth in NRS 624.740(1) as set forth in NRS 624.740(1) It is unlawful for any two or more licensees, whose licenses have been limited by the Board to contracts not exceeding certain monetary sums and each of whom have been issued a license to engage separately in the business or to act separately in the capacity of a contractor within this State, jointly to submit a bid or otherwise act in the capacity of a contractor within this State, without first having secured an additional license for acting in the capacity of such a joint venture or combination in accordance with the provisions of this chapter as provided for an individual, co-partnership or corporation, (2) A licensee whose license is limited to contracts not exceeding certain monetary sums cannot be party to a joint venture unless such licensee has secured an additional license for such joint venture; ADS NRS 624.301(3) by failing in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract; ADS X5 NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; NSC NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; ADS X2 NRS 624.3016(1) fraudulent or deceitful act and NSC and ADS NRS 624.3013(3) failure to establish financial responsibility. ADS shall pay an administrative fine in the amount of \$4,250.00. NS Construction shall pay an administrative fine in the amount of \$1,250.00. Respondents shall pay investigative fees in the amount of \$3,864.00. Fines and fees are to be paid within sixty (60) days from September 5, 2012 or both licenses of ADS and NS Construction will automatically be revoked.

5. FINANCIAL RESPONSIBILITY HEARING:
BOB GLENN LEWIS, License No. 76238

Licensee was present.

Hearing Officer Drake approved the financial review contingent upon the Respondent providing certification from the bank within thirty (30) days, the investigative fees were waived.

6. FINANCIAL RESPONSIBILITY HEARING:
SILVER STATE CONSTRUCTION TECHNOLOGIES LLC, License Nos.40957, 74850, 74851

Licensee was present.

Hearing Officer Drake assessed investigative fees in the amount of \$580.88 to be paid within thirty (30) days and the licenses will be renewed.

7. FINANCIAL RESPONSIBILITY HEARING:
FRANK JOSEPH MUSCAT DBA RELIAPRO PAINTERS, License No. 74692

Licensee was present.

Hearing Officer Drake found the licensee guilty of violating NRS 624.3013(3) failure to establish financial responsibility and NRS 624.302(5) failure to comply with written request of the Board. Respondent must pay a fine of \$750.00 and investigative fees in the amount of \$475.91 and provide a letter from attorney regarding negotiations on delinquent taxes and verification of negotiations with charge off accounts within thirty (30) days.

8. FINANCIAL RESPONSIBILITY HEARING:
R T CONSTRUCTION LLC, License No. 75866

Licensee was present.

This matter was continued for thirty (30) days to allow Respondent time to provide the Nevada Secretary of State Certificate of Good Standing, completed Bank Verification Form and a CPA prepared business financial statement.

9. FINANCIAL RESPONSIBILITY HEARING:
HARD SURFACES CONSTRUCTION INC, License Nos. 76009, 76010, 76011, 76052

Licensee was not present.

Hearing Officer Drake suspended the licenses at the hearing and found licensee guilty of violating NRS 624.3013(3) failure to establish financial responsibility and NRS 624.302(5) failure to comply with written request of the Board. Respondent must pay a fine of \$750.00 and investigative fees in the amount of \$485.91. Licensee must provide a Certificate of Good Standing from the Secretary of State, bring bond current on license number 76010 and provide required financial information within thirty (30) days or licenses will be revoked.

10. NEW APPLICATION DENIAL HEARING:
SIERRA CUTTING & CORE DRILLING LLC

Licensee was present.

Hearing Officer Drake approved the license after Respondent provides the order of discharge of probation following his court hearing scheduled for September 23, 2012.

11. NEW APPLICATION DENIAL HEARING:

HERNANDEZ LAWN CARE & LANDSCAPING LLC

Licensee was present with John Moore, Esq.

This matter was continued for sixty (60) days to allow the Bankruptcy to be discharged and to determine how the tax liens are being handled in the Bankruptcy.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Drake at 1:50 p.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Donald L. Drake, Hearing Officer

