

BRIAN SANDOVAL
Governor

STATE OF NEVADA



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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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING September 19, 2012

CALL TO ORDER:

Hearing Officer Alexander called the meeting of the State Contractors Board to order at 8:31 a.m., Wednesday, September 19, 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. Jim Alexander, Hearing Officer
Mr. Donald Drake, Board Member

STAFF MEMBERS PRESENT:

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

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 September 13, 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: JIM ALEXANDER

1. DISCIPLINARY HEARING: (Continued from August 22, 2012)

BULLDOG FRAMING, LLC, License No. 74171

H. C. DEVELOPMENT, LLC, License No. 71064

RELIABUILT CONSTRUCTION COMPANY, LLC, License No. 39858

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee's Exhibits were entered:

Hearing Officer Alexander found Respondent Bulldog Framing, LLC guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee.

Respondent Bulldog Framing, LLC was found in violation of the First and Second Cause of Action, however fines were not assessed. Investigative costs were assessed in the amount of \$2,094.00 to be paid within ninety (90) days of the September 19, 2012 hearing or license number 74171, Bulldog Framing, LLC shall be revoked. Respondent Bulldog Framing, LLC was ordered to resolve the Rosen Materials complaint within 120-days of the September 19, 2012 hearing or license number 74171, Bulldog Framing, LLC shall be revoked. If Respondent Bulldog Framing, LLC timely pays the investigative costs and resolves the Rosen Materials complaint, the Board will accept the voluntary surrender of license number 74171, Bulldog Framing, LLC.

2. DISCIPLINARY HEARING: (Continued from June 22, 2011, July 20, 2011, November 16, 2011, March 21, 2012)

SOUTHWEST STONE AND TILE, INC., License Nos. 46544, 46545

Licensee was present at the hearing and represented by counsel, Charles Bennion, Esq.

The following Licensee’s Exhibits were entered:

Exhibit D – A fax dated September 17, 2012, from Respondent’s counsel, Charles Bennion, Esq. to the Board that included a copy of a letter from Respondent’s bankruptcy attorney, Tennille Pereira, Esq.

Hearing Officer Alexander continued this matter for ninety (90) days.

3. DISCIPLINARY HEARING: (Stipulated Revocation)

CREATIVE SURFACE SOLUTIONS, INC., dba CREATIVE COUNTERTOPS, License Nos. 46170, 54550

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 stipulating to the revocation of both licenses.

Hearing Officer Alexander found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and 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 for the First Cause of Action and investigative costs of \$1,448.00. License numbers 46170 and 54550, Creative Surface Solutions, Inc., dba Creative Countertops 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.

4. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. ALPHA 8, INC., dba CONSOLIDATED FLOORING SERVICE, License Nos. 60907, 60908, 60909

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent Alpha 8, Inc., dba Consolidated Flooring Service, license numbers 60907, 60908 and 60909 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 624.3014(2)(a), (b), (c) and (d) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; allowing a license to be used by an unlicensed person; and acting as agent, partner or associate of an unlicensed person; 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) failure to notify the Board of a change of address; 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 \$1,000.00 for the First Cause of Action; a fine of \$250.00 each for the Second and Third Causes of Action; a fine of \$500.00 for the Fourth Cause of Action for total fines of \$2,000.00 and investigative costs of \$1,761.00. License numbers 60907, 60908 and 60909, Alpha 8, Inc., dba Consolidated Flooring Service 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.

b. WILLIAM JAMES BOLICH, OWNER, dba G. BOLICH CONSTRUCTION, License No. 74347

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent William James Bolich, Owner, dba G. Bolich Construction, license number 74347 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 624.3014(1)(a) acting in the capacity of a contract under any license issued except in the name of the licensee as set forth upon the license; one (1) violation of NRS 624.3012(2) failure to pay any money when due; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3011(1)(b)(2) violation of the safety laws or labor laws of this State; one (1) violation of NRS 624.3014(2)(a), (b), (c) and (d) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; allowing a license to be used by an unlicensed person; and acting as agent, partner or associate of an unlicensed person; one (1) violation of NRS 624.305(1) no license may be used for any purpose by any person other than the person to whom such license is issued; one (1) violation of NRS 624.302(6) failure to comply with a written request by the Board for information or records; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$250.00 each for the First, Third and Seventh Causes of Action; a fine of \$500.00 each for the Second, Fourth, Fifth and Eighth Causes of Action; a fine of \$1,000.00 for the Sixth Cause of Action for total fines of \$3,750.00 and investigative costs of \$1,679.00. License number 74347, William James Bolich, Owner, dba G. Bolich Construction 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.

c. KENNEDY CONSTRUCTION, LLC, License Nos. 70868, 71498

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent Kennedy Construction, LLC, license numbers 70868 and 71498 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; one (1) violation of NRS 624.3016(1) misrepresentation of a material fact; one (1) violation of NRS 624.302(2) failure to comply with a written citation within the time permitted for compliance set forth in the citation; 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 and Third Causes of Action for total fines of \$1,500.00 and investigative costs of \$1,445.00. License numbers 70868 and 71498, Kennedy Construction, 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 pay the fines and investigative costs prior to consideration of future licensure.

d. F. A. S. T. SYSTEMS, INC., dba FIRE ALARM SECURITY TECHNOLOGIES, License Nos. 67839, 75661

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Alexander found Respondent F. A. S. T. Systems, Inc., dba Fire Alarm Security Technologies, license numbers 67839 and 75661 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; one (1) violation of NRS 624.3016(1) misrepresentation of a material fact; one (1) violation of NRS 624.3013(4) failure to keep in force the bond for the full period required by the Board; 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 and Third Causes of Action for total fines of \$1,500.00 and investigative costs of \$2,143.00. License numbers 67839 and 75661, F. A. S. T. Systems, Inc., dba Fire Alarm Security Technologies 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.

5. NEW APPLICATION DENIAL HEARING:

NX LEVEL LANDSCAPING, LLC

Craig Lee Fuller was present but not represented by counsel at the hearing.

Hearing Officer Alexander approved the license application for licensure classification C-10 (Landscape Contracting) with a \$10,000.00 monetary limit and \$2,000.00 bond with Craig Lee Fuller re-testing for the management exam and waiving the trade exam.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Alexander at 9:31 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jim Alexander, Hearing Officer