

BRIAN SANDOVAL  
Governor

## STATE OF NEVADA



### 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

## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING October 17, 2012

#### **CALL TO ORDER:**

Hearing Officer Burke called the meeting of the State Contractors Board to order at 8:32 a.m., Wednesday, October 17, 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. Kevin Burke, 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

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on October 11, 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: KEVIN BURKE**

#### **1. DISCIPLINARY HEARING:**

**VEGAS LAMINATE HARDWOOD FLOORS, LLC, dba E. C. FLOORING**, License Nos. 69998, 74409

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Documents provided by Jacque Lee establishing payment of the marble.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's letter dated September 11, 2012.

Exhibit B – Respondent's e-mail dated September 20, 2012.

Exhibit C – E-mail between Jacque Lee and Respondent dated May 2, 2012.

Exhibit D – E-mail between Jacque Lee and Respondent dated May 21, 2012.

Hearing Officer Burke 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 624.3013(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) failure to include its license number and monetary license limit on its contracts; 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 624.3014(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; 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, Fourth and Seventh Causes of Action; a fine of \$100.00 each for the Third and Sixth Causes of Action; a fine of \$250.00 for the Fifth Cause of Action for total fines of \$2,450.00 and investigative costs of \$1,836.00. Fines and investigative costs are to be paid within thirty (30) days of the October 17, 2012 hearing or license numbers 69998 and 74409, Vegas Laminate Hardwood Floors, LLC, dba E. C. Flooring shall be suspended. Respondent was ordered to submit a compiled financial statement prepared by a Certified Public Accountant within sixty (60) days of the October 17, 2012 hearing or license numbers 69998 and 74409, Vegas Laminate Hardwood Floors, LLC, dba E. C. Flooring shall be suspended. License numbers 69998 and 74409, Vegas Laminate Hardwood Floors, LLC, dba E. C. Flooring were placed on Probation for One (1) Year. Respondent was ordered to comply with a Business Review within one (1) year. Restitution will be ordered at a later hearing.

## 2. DISCIPLINARY HEARING:

R & D KOWALSKI CORPORATION, dba POOLWORKS REPAIR SERVICES, License No. 45566

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 Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated September 20, 2012.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(h) failure to include a statement in the contract that contractor has provided the owner with the notice and information form required by NRS 624.600; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(d) failure to include an estimated dated for completion; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(2)(i) failure to include a statement that any additional work performed under the contract will require the owner to pay additional money; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.940(3)(b)(1)(2) failure to include statement that the owner may contact the Board with any questions and that the owner has the right to request a payment and performance bond; one (1) violation of NRS 624.3013(2) misrepresentation of a material fact. The Fifth Cause of Action was dismissed. Respondent was assessed a fine of \$500.00 each for the First, Second, Third and Fourth Causes of Action; a fine of \$1,000.00 for the Sixth Cause of Action for total fines of \$3,000.00 and investigative costs of \$1,213.00. Fines and investigative costs are to be paid within thirty (30) days of the October 17, 2012 hearing or license number 45566, K & D Kowalski Corporation, dba Poolworks Repair Services shall be suspended. License number 45566, K & D

**Kowalski Corporation, dba Poolworks Repair Services was placed on Probation for One (1) Year. Respondent was ordered to comply with a Business Review within one (1) year.**

**3. DISCIPLINARY HEARING:**

**HOT CONNECTION ELECTRIC, INC.,** License No. 34989

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

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint dated September 20, 2012.

Exhibit B – Respondent’s Amended Answer to the Board’s Complaint dated October 2, 2012.

**Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3015(2) contracting in excess of limit placed on license; one (1) violation of NRS 624.3016(1) any fraudulent or deceitful act committed in the capacity of a contractor; 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. Respondent was assessed a fine of \$10,000.00 for the First Cause of Action; a fine of \$3,000.00 for the Second Cause of Action; a fine of \$1,000.00 for the Third Cause of Action for total fines of \$14,000.00 and investigative costs of \$1,329.00. Fines and investigative costs are to be paid within thirty (30) days of the October 17, 2012 hearing or license number 34989, Hot Connection Electric, Inc. shall be suspended. License number 34989, Hot Connection Electric, Inc. was placed on Probation for One (1) Year. Respondent was ordered to comply with a Business Review within one (1) year.**

**4. DISCIPLINARY HEARING:**

**DROPSHADES, INC.,** License No. 71496

Licensee was present at the hearing and represented by counsel, Mark Bourassa, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint dated August 6, 2012.

**Hearing Officer Burke 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. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$305.00. Fine and investigative costs are to be paid within thirty (30) days of the October 17, 2012 hearing or license number 71496, Dropshades, Inc. shall be suspended.**

**5. DISCIPLINARY HEARING – DEFAULT ORDERS:**

**a. WOOD RESOURCES OF NEVADA, INC.,** License No. 55350

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Wood Resources of Nevada, Inc., license number 55350 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 624.302(5) failure to respond to a written request from the Board; 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(4) failure to keep the bond in force for the full period required by the Board. Respondent was assessed a fine of \$500.00 each for the First and Fourth Causes of Action; a fine of \$250.00 each for the Second and Third Causes of Action for total fines of \$1,500.00 and investigative costs of \$1,654.00. License number 55350, Wood Resources of Nevada, Inc. 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.

**6. NEW APPLICATION DENIAL HEARING:**

**G. V. M. MECHANICAL, LLC**

Ruel Sanchez Delacruz was present but not represented by counsel at the hearing.

Hearing Officer Burke approved the license application for licensure classification C-21 (Refrigeration and Air Conditioning) with a \$15,000.00 monetary limit and \$5,000.00 bond with a two (2) year Business Review.

**7. NEW APPLICATION DENIAL HEARING:**

**NORTHWEST LANDSCAPE & MAINTENANCE, LLC**

Saul Alvarez-Ruiz was present at the hearing and represented by Noah Allison, Esq.

Hearing Officer Burke approved the license application for licensure classification C-10 (Landscape Contracting) with a \$200,000.00 monetary limit and \$10,000.00 bond.

**8. NEW APPLICATION DENIAL HEARING:**

**D. M. S. PLUMBING, LLC**

Douglas Michael Smith was present but not represented by counsel at the hearing.

Hearing Officer Burke approved the license application for licensure classification C-1 (d) (Plumbing) with a \$10,000.00 monetary limit and \$2,000.00 bond with a two (2) year Business Review.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Burke at 11:35 a.m.

Respectfully Submitted,

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Melinda Mertz, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Kevin E. Burke, Hearing Officer