

BRIAN SANDOVAL
Governor

STATE OF NEVADA



REPLY TO:

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

www.nscb.nv.gov

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

MEMBERS
Guy M. Wells, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Donald L. Drake
Jan B. Leggett
Stephen P. Quinn

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING December 19, 2012

CALL TO ORDER:

Administrative Law Judge Jonathan Andrews, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, December 19, 2012, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADMINISTRATIVE LAW JUDGE PRESENT:

Mr. Jonathan Andrews, Esq.

BOARD MEMBERS PRESENT:

Mr. Donald Drake, Board Member
Mr. Jan B. Leggett, 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

Ms. Grein stated the agenda was posted in compliance with the open meeting law on December 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.

ADMINISTRATIVE LAW JUDGE: Jonathan Andrews, Esq.

1. DISCIPLINARY HEARING:

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 Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint dated November 27, 2012.

Administrative Law Judge Andrews continued this matter for sixty (60) days to allow Respondent Bulldog Framing, LLC the opportunity to resolve the Rosen Materials and Frazee Industries, Inc. complaints. Respondent Bulldog Framing, LLC was ordered to pay the investigative costs of \$2,094.00 from its September 19, 2012 disciplinary hearing within seven (7) days of the December 19, 2012 hearing. The revocation order from the September 19, 2012 disciplinary hearing was waived.

2. DISCIPLINARY HEARING:

PROFICIENT STONE MANUFACTURING, INC., License No. 73582

Licensee was not present nor 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 November 16, 2012.

Exhibit B – An e-mail from Respondent along with a copy of a settlement agreement and a copy of a check made payable to Cutting Edge of Diamond Blades, Inc.

Administrative Law Judge Andrews found Respondent guilty of one (1) violation of NRS 624.302(5) failure to comply with a written request from the Board. Respondent was assessed a fine of \$250.00 for the Second Cause of Action and investigative costs of \$1,656.00. The First and Third Causes of Action were dismissed. The fines and investigative costs are due within thirty (30) days of the December 19, 2012 hearing or license number 73582, Proficient Stone Manufacturing, Inc. shall be revoked. If Respondent timely pays the fines and investigative costs, the Board shall accept the voluntary surrender of license number 73582, Proficient Stone Manufacturing, Inc.

3. DISCIPLINARY HEARING:

HARVARD CONSTRUCTION COMPANY, INC., License No. 66500

Licensee was not present but was represented by Wayne Goodin, General Manager of Harvard Construction Company, Inc.

Administrative Law Judge Andrews continued this matter for thirty (30) days to allow the Respondent the opportunity to provide the requested financial statement. License number 66500, Harvard Construction Company, Inc. shall be suspended.

4. DISCIPLINARY HEARING:

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

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

Administrative Law Judge Andrews continued this matter for ninety (90) days to allow Respondent to provide a current reviewed or audited financial statement prepared by a certified public accountant

5. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. CONSTRUCTION SERVICES & SOLUTIONS, LLC, License No. 75396

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Administrative Law Judge Andrews found Respondent guilty of one (1) violation of NRS 624.3013(5) failing to comply with the regulations of the Board and one (1) violation of NRS 624.302(1)(a) contracting while the license has been suspended. Respondent was assessed a fine of \$250.00 each for the First and Second Causes of Action for total fines of \$500.00 and investigative costs of \$1,404.00. The Third and Fourth Causes of Action were dismissed. The fines and investigative costs are due within thirty (30) days of the December 19, 2012 hearing or license number 75396, Construction Services & Solutions, LLC shall be revoked. If Respondent timely pays the fines and investigative costs, the Board shall accept the voluntary surrender of license number 75396, Construction Services & Solutions, LLC.

b. DONALD ALLEN FOSTER, JR., OWNER, dba SONORA AIR CONDITIONING & REFRIGERATION,
License No. 44060

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Administrative Law Judge Andrews found Respondent Donald Allen Foster, Jr., Owner, dba Sonora Air Conditioning & Refrigeration, license number 44060 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) failing 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 Second Cause of Action for total fines of \$750.00 and investigative costs of \$1,590.00. License number 44060, Donald Allen Foster, Jr., Owner, dba Sonora Air Conditioning & Refrigeration 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. R. C. B. B., INC., License Nos. 10015A, 73148, 75034

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Administrative Law Judge Andrews found Respondent R. C. B. B., Inc., license numbers 10015A, 73148 and 75034 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 624.3015(5)(a) repairing a mobile home or manufactured home without being properly licensed; one (1) violation of NRS 624.302(5) failing to respond to a written request from the Board; one (1) violation of NRS 624.3011(1)(b)(4) violation of the laws of this State regarding industrial insurance; one (1) violation of

NRS 624.302(6) failing to comply with a written request from the Board; 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 624.302(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 was assessed a fine of \$500.00 each for the First, Third, Fourth and Sixth Causes of Action; a fine of \$250.00 each for the Second, Fifth and Seventh Causes of Action for total fines of \$2,750.00 and investigative costs of \$1,751.00. License numbers 10015A, 73148 and 75034, R. C. B. B., 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. NEW APPLICATION DENIAL HEARING:

JOSE ALFREDO DOMINGUEZ, dba J. D. LANDSCAPE

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

This matter was continued for thirty (30) days.

7. NEW APPLICATION DENIAL HEARING:

OWENS CONSTRUCTION, INC.

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

Administrative Law Judge Andrews approved the license applications for licensure classifications C-14 (h) (Awnings and Louvers) and C-4 (a) (Painting) with a \$40,000.00 monetary limit and \$5,000.00 bond.

8. NEW APPLICATION DENIAL HEARING:

HAYNES CONSOLIDATED SERVICES, LLC

Applicant was present and represented by counsel at the hearing, Michael Infuso, Esq.

This matter was continued for thirty (30) days.

9. NEW APPLICATION DENIAL HEARING:

SILVERADO CONSTRUCTION, LLC

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

This matter was continued for thirty (30) days.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Administrative Law Judge Andrews at 10:24 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jonathan Andrews, Esq., Administrative Law Judge