

BRIAN SANDOVAL
Governor

STATE OF NEVADA



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 January 16, 2013

REPLY TO:

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Henderson, Nevada 89074
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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, January 16, 2013, 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. 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 January 10, 2013, 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: (Continued from November 14, 2012)

RISE & RUN, INC., License No. 46724

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

Administrative Law Judge Andrews continued this matter to February 20, 2013.

2. DISCIPLINARY HEARING:

WESTERN STONE MASONRY, LLC, License No. 63468

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 letter to the Board dated November 15, 2012.

Administrative Law Judge Andrews 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 624.302(5) failure to comply with a written request from the Board; 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 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State; one (1) violation of NRS 624.3013(4) failure to keep its bond in force for the full period required by 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. Respondent was assessed a fine of \$500.00 each for the First and Ninth Causes of Action; a fine of \$50 each for the Second, Fourth and Eighth Causes of Action; a fine of \$250.00 each for the Third, Fifth and Seventh Causes of Action; a fine of \$1,000.00 for the Sixth Cause of Action for total fines of \$2,900.00 and investigative costs of \$1,853.00. License number 63468, Western Stone Masonry, LLC shall remain suspended until such time as the administrative fines and the Board's investigative costs are paid, a current financial statement that supports the license limit is provided to the Board and a new surety bond is in place.

3. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. TILE VEGAS, LLC, dba STIX & STONES FLOORING, License Nos. 71850, 71851

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 Tile Vegas, LLC, dba Stix & Stones Flooring, license numbers 71850 and 71851 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 624.301(5) failure to comply with the terms of a construction contract; one (1) violation of NRS 624.301(2) abandonment of a construction contract when the percentage completed is less the percentage paid; 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 624.3013(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(4) failure to keep its bond in force for the full period required by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility.

Respondent was assessed a fine of \$500.00 each for the First, Second, Sixth and Seventh Causes of Action; a fine of \$100.00 for the Third Cause of Action; a fine of \$250.00 each for the Fourth and Fifth Causes of Action for total fines of \$2,600.00 and investigative costs of \$1,886.00. License numbers 71850 and 71851, Tile Vegas, LLC, dba Stix & Stones Flooring 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. DRAEGER CONSTRUCTION, LLC, License Nos. 50111, 52818, 55535

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 Draeger Construction, LLC, license numbers 50111, 52818 and 55535 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 624.3017(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 624.302(5) failure to comply with a written request from the Board; 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(3) failure to establish financial responsibility; two (2) violations of NRS 624.3013(4) failure to keep its bond in force for the full period required by the Board. Respondent was assessed a fine of \$500.00 each for the First, Second, Fifth, Sixth and Seventh Causes of Action; a fine of \$250.00 for the Third Cause of Action; a fine of \$100.00 for the Fourth Cause of Action for total fines of \$2,350.00 and investigative costs of \$2,430.00. License numbers 50111, 52818 and 55535, Draeger 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.

4. NEW APPLICATION DENIAL HEARING:

ALPHA GRANITE, LLC

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

Administrative Law Judge Andrews denied the license application.

5. NEW APPLICATION DENIAL HEARING:

ENVIRONMENTAL LANDSCAPE, INC.

Applicant was present and represented by counsel at the hearing, Ian Christopherson, Esq.

This matter was continued for thirty (30) days.

6. NEW APPLICATION DENIAL HEARING:

AMERICAN HOME MECHANICAL, LLC

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

This matter was continued for thirty (30) days.

7. NEW APPLICATION DENIAL HEARING:

UPLAND CONSTRUCTION SERVICES, LLC, dba UPLAND

Applicant was present and represented by counsel at the hearing, Donald Williams, Esq.

Administrative Law Judge Andrews denied the license application.

8. NEW APPLICATION DENIAL HEARING:

M & M CUSTOM PAINTS, INC.

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

This matter was continued for thirty (30) days.

9. NEW APPLICATION DENIAL HEARING:

DANTES INTERIORS WEST

Applicant was present and represented by counsel at the hearing, Stephen Scow, Esq.

This matter was continued for thirty (30) days.

10. NEW APPLICATION DENIAL HEARING:

MANUEL C. RUIZ, OWNER, dba ECONOMY LANDSCAPING

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

Administrative Law Judge Andrews denied the license application.

11. NEW APPLICATION DENIAL HEARING: (Continued from December 19, 2012)

HAYNES CONSOLIDATED SERVICES, LLC

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

Administrative Law Judge Andrews denied the license application.

12. NEW APPLICATION DENIAL HEARING: (Continued from December 19, 2012)

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 12:00 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Jonathan Andrews, Esq., Administrative Law Judge