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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 March 20, 2013

CALL TO ORDER:

Administrative Law Judge Tim Geswein, Esq. called the meeting of the State Contractors Board to order at 8:32 a.m., Wednesday, March 20, 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. Tim Geswein, 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 March 14, 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: Tim Geswein, Esq.

3. DISCIPLINARY HEARING: (Continued from June 22, 2011, July 20, 2011, November 16, 2011, March 21, 2012, September 19, 2012, December 19, 2012)

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

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

The following Licensee Exhibits were entered:

Exhibit E – Respondent's December 31, 2012 financial statement.

Exhibit F – Respondent's Balance Sheet and Profit & Loss statement as of February 28, 2013.

Administrative Law Judge Geswein found Respondent guilty of one (1) violation of NRS 624.3013(5), as set forth in NRS 624.263(3)(a) and (b) failure to notify the Board of a filing of bankruptcy. A fine was not assessed. Respondent's Probation is extended for Six (6) Months. Respondent shall provide a current "internal" financial statement with bank verification forms for all cash accounts that supports the license limit within six (6) months of the March 20, 2013 hearing. This matter was continued for six (6) months.

4. DISCIPLINARY HEARING: (Continued from November 14, 2012)

RENOVATIONS OF LAS VEGAS, INC., License No. 72107

Licensee was present and represented by counsel at the hearing, Eric Dobberstein, Esq.

The following Agency Exhibits were entered:

Exhibit #2 – Correspondence from Eric Dobberstein, Esq. to Brian Walters, Esq. dated January 22, 2013.

Exhibit #3 - Correspondence from Brian Walters, Esq. to the Board dated January 22, 2013.

Exhibit #4 - Correspondence from Eric Dobberstein, Esq. to Brian Walters, Esq. dated February 1, 2013.

The following Licensee Exhibits were entered:

Exhibit D – Respondent's First Supplemental Memorandum Points and Authorities in Support of Answer to Complaint dated March 15, 2013.

Administrative Law Judge Geswein found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship and one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$1,000.00 for the Seventh Cause of Action for total fines of \$1,500.00 and investigative costs of \$1,993.00. The Second Cause of Action was dismissed. Fines and investigative costs shall be paid within thirty (30) days of the March 20, 2013 hearing or license number 72107, Renovations of Las Vegas, Inc. shall be suspended.

5. DISCIPLINARY HEARING:

MILESTONE PAVING AND GRADING, INC., dba MILESTONE ENGINEERING, License No. 41829

D & T WILLIAMS, LLC, dba GLOBAL CONCRETE CUTTING, License No. 64004

Licensees were not present nor represented by counsel at the hearing.

This matter was continued to April 17, 2013.

6. DISCIPLINARY HEARING:

C & M GARAGE DOOR SERVICES, LLC, License Nos. 62109, 76590

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 February 1, 2013.

Administrative Law Judge Geswein found Respondent guilty of 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 624.3015(2) bidding or contracting for a sum in excess of the limit placed on the license by the Board. Respondent was assessed a fine of \$100.00 for the First Cause of Action; a fine of \$1,000.00 for the Second Cause of Action for total fines of \$1,100.00 and investigative costs of \$1,694.00. The Third and Fourth Causes of Action were dismissed. Fines and costs shall be paid within thirty (30) days of the March 20, 2013 hearing or license numbers 62109, C & M Garage Door Services, LLC shall be suspended.

7. DISCIPLINARY HEARING:

GINO ANTHONY LONG, OWNER, dba SOUTHWEST ROOFING COMPANY, License No. 64952

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 February 12, 2013.

Administrative Law Judge Geswein found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(2) violation of the safety laws or labor laws of the State; one (1) violation of NRS 624.302(6) failure to comply with a written request from the Board; one (1) violation of NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action; a fine of \$500.00 for the Third Cause of Action for total fines of \$1,750.00 and investigative costs of \$1,710.00. The Fourth Cause of Action was dismissed. Fines and costs shall be paid within sixty (60) days of the March 20, 2013 hearing or license number 64952, Gino Anthony Long, Owner, dba Southwest Roofing Company shall be suspended.

8. DISCIPLINARY HEARING:

PANDA REFRIGERATION, License No. 26472

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

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Administrative Law Judge Geswein found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. A fine was not assessed. Investigative costs were assessed in the amount of \$1,891.00 to be paid within ninety (90) days of the March 20, 2013 hearing. License number 26472, Panda Refrigeration was placed on Probation for ninety (90) days. Respondent's monetary license limit was lowered to \$10,000.00. Respondent was ordered to provide a current financial statement with bank verification forms for all cash accounts that support the license limit within ninety (90) days of the March 20, 2013 hearing.

9. DISCIPLINARY HEARING: (Stipulated Revocation)

a. O'ROURKE & ASSOCIATES, LLC, License No. 59516

Licensee was not present nor 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 January 29, 2013.

Exhibit B - Correspondence from the Respondent to the Board dated February 11, 2013.

Administrative Law Judge Geswein found Respondent guilty of one (1) violation of NRS 624.301(1) abandonment of any construction project; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.263(3) failure to notify the Board of a filing of bankruptcy; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Fines and investigative costs were not assessed. The First and Fourth Causes of Action were dismissed. License number 59516, O'Rourke & Associates, LLC was revoked.

b. LINDCO ELECTRIC, LLC, License No. 74494

Licensee was not present nor 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 February 16, 2013.

Exhibit B – Correspondence from the Respondent to the Board dated February 28, 2013.

Administrative Law Judge Geswein found Respondent guilty of 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(3) failure to establish financial responsibility. Respondent was assessed a fine of \$250.00 for the Second Cause of Action; a fine of \$500.00 for the Third Cause of Action for total fines of \$750.00 and investigative costs of \$1,895.00. The First Cause of Action was dismissed. License number 74494, Lindco Electric, LLC 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.

10. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. T & M ELECTRICAL, INC., dba TWO MASTER ELECTRICIANS, License No. 70562

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

This matter was continued to April 17, 2013.

b. TIMOTHY ALLEN JANUSZ, OWNER, dba TIMBERWOLF CABINETRY & MILLWORK,

License No. 53269

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 Geswein found Respondent Timothy Allen Janusz, Owner, dba Timberwolf Cabinetry & Millwork, license number 53269 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 624.301(1) abandonment of any construction project; one (1) violation of NRS 624.302(5) failure to respond to 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(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)(1) violation of the building laws of the State; 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 624.3016(5), as set forth in NRS 624.600(1)(a), (b) and (2) failure to provide required information and notices to homeowner; one (1) violation of NRS 624.302(6) failure to comply with a written request from the Board; one (1) violation of NRS 624.302(1)(a) contracting or submitting a bid if the license has been suspended or revoked; 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 \$1,000.00 each for the First and Third Causes of Action; a fine of \$500.00 each for the Second, Seventh, Eighth, Eleventh, Twelfth and Thirteenth Causes of Action; a fine of \$250.00 each for the Fourth, Sixth, Ninth and Tenth Causes of Action; a fine of \$100.00 for the Fifth Cause of Action for total fines of \$6,100.00 and investigative costs of \$1,949.00. License number 53269, Timothy Allen Janusz, Owner, dba Timberwolf Cabinetry & Millwork 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. D. K. R. M. COMMERCIAL BUILDERS, INC., License No. 67676

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

This matter was continued to May 22, 2013. The Respondent's license, number 67676 was suspended, Board Action.

d. ALBRIGHTS CARPETS, INC., License Nos. 23859, 56905, 56906, 56907

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 – Correspondence from the Respondent dated March 15, 2013.

Administrative Law Judge Geswein found Respondent Albrights Carpets, Inc., license numbers 23859, 56905, 56906 and 56907 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(6) failure to comply with 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. Fines and investigative costs were not assessed. License numbers 23859, 46905, 46906 and 46907, Albrights Carpets, Inc. were revoked.

e. PATRICK HENRY MEADS, OWNER, dba BAR K, License Nos. 66593, 66596

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

This matter was continued to April 17, 2013. The Respondent's licenses, numbers 66593 and 66596 were suspended, Board Action.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Administrative Law Judge Geswein at 10:25 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Timothy Geswein, Esq., Administrative Law Judge