

BRIAN SANDOVAL
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

Guy M. Wells, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Stephen P. Quinn



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING July 24, 2013

CALL TO ORDER:

Administrative Law Judge Timothy Geswein, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, July 24, 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. Timothy Geswein, Esq.

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 July 18, 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: Timothy Geswein, Esq.

1. DISCIPLINARY HEARING:

DAVID ANDREW COIL, OWNER, dba COIL RESIDENTIAL CONSTRUCTION, License No. 49096

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Documentation provided by Jason Smith via facsimile to the Board on June 21, 2013.

Exhibit 3 – A receipt provided by Jason Smith from Rugby Architectural Building Products for the purchase of teak flooring in the amount of \$1,215.64 dated October 17, 2012.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's response to the Board's Complaint dated June 19, 2013 along with a written statement from the Respondent provided to the Board July 24, 2013.

Administrative Law Judge Geswein found Respondent David Andrew Coil, dba Coil Residential

Construction guilty of one (1) violation of NRS 624.301(5) failure to comply with a construction contract; one (1) violation of 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(3) failure to establish financial responsibility. The Second Cause of Action was dismissed. Respondent was found in violation of the Third and Sixth Causes of Action; however fines were not assessed. Respondent was assessed a fine of \$1,000.00 each for the First and Fifth Causes of Action and a fine of \$250.00 for the Fourth Cause of Action for total fines of \$2,250.00 and investigative costs of \$1,878.00. Respondent shall pay the fines and investigative costs within ninety (90) days of the July 24, 2013 hearing or license number 49096, David Andrew Coil, Owner, dba Coil Residential Construction shall be suspended. Respondent's license limit was lowered to \$15,000.00.

2. DISCIPLINARY HEARING:

TOWNCO CONSTRUCTION DEVELOPMENT, LLC, dba TOWNCO CONSTRUCTION, License No. 58501

Licensee was present and represented by counsel at the hearing, George Maglares, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A letter from Respondent's attorney, George Maglares, Esq. to the Board dated July 22, 2013 requesting a continuance and the Board's letter responding to the request dated July 22, 2013.

Administrative Law Judge Geswein found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(4) disregard of the laws regarding industrial insurance; 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 624.3013(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 found in violation of the First, Second, Third and Fourth Causes of Action; however fines were not assessed. Investigative costs were assessed in the amount of \$1,714.00. The Board shall accept the voluntary surrender of license number 58501, Townco Construction Development, LLC, dba Townco Construction if the investigative costs are paid within thirty (30) days of the July 24, 2013 hearing. If Respondent fails to timely pay the investigative costs, license number 58501, Townco Construction Development, LLC, dba Townco Construction shall be revoked.

3. DISCIPLINARY HEARINGS – DEFAULT ORDERS:

a. ROAD WORK AHEAD, INC., License No. 73883

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Respondent's correspondence dated July 5 and received at the Board offices on July 12, 2013, requesting a postponement of the July 24, 2013 hearing and the Board's written response dated July 16, 2013.

Administrative Law Judge Geswein continued this matter for sixty (60) days. Respondent's license, number 73883 was suspended.

b. INTERIOR STRUCTURES CUSTOM WOODWORKING, LLC, License No. 72165

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 Interior Structures Custom Woodworking, LLC, license number 72165 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 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Board's Notice to Correct; one (1) violation of NRS 624.301(2) abandonment of a construction project when the percentage completed is less than the percentage paid to the contractor; 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 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 \$1,000.00 for the First Cause of Action; a fine of \$500.00 each for the Second, Third and Sixth Causes of Action; a fine of \$250.00 each for the Fourth and Fifth Causes of Action for total fines of \$3,000.00 and investigative costs of \$1,959.00. License number 72165, Interior Structures Custom Woodworking, 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.

c. DAVID LAWRENCE DURBIN, OWNER, dba DURBIN CONSTRUCTION, License No. 74726

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 David Lawrence Durbin, dba Durbin Construction, license number 74726 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. 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 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action and a fine of \$500.00 for the Second Cause of Action for total fines of \$1,500.00 and investigative costs of \$1,796.00. License number 74726, David Lawrence Durbin, dba Durbin 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.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Administrative Law Judge Geswein at 10:13 a.m.

Respectfully Submitted,

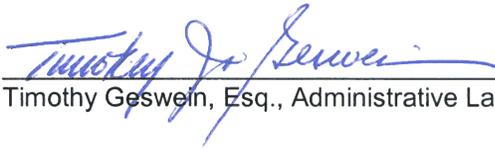


Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Timothy Geswein, Esq., Administrative Law Judge