

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 October 23, 2013

CALL TO ORDER:

Hearing Officer Stephen Quinn called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, October 23, 2013, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADJUDICATING COMMITTEE MEMBER PRESENT:

Mr. Stephen Quinn

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Richard Scotti, Esq., Legal Counsel
Mr. Jonathan Andrews, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on October 17, 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.

ADJUDICATING BOARD MEMBER: Stephen Quinn

1. DISCIPLINARY HEARING: (Continued from June 19, 2013 and August 21, 2013)

COAST TO COAST ELECTRICAL CONTRACTORS, LLC, License No. 72419

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Coast to Coast Electrical Contractors, LLC, license number 72419 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 comply with a written request from the Board; one (1) violation 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 for the First Cause of Action; a fine of \$1,000.00 each for the Second Cause of Action; a fine of \$250.00 for the Third Cause of Action for total fines of \$1,750.00 and investigative costs of \$3,152.00. License number 72419, Coast to Coast Electrical Contractors, LLC was revoked.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.

2. DISCIPLINARY HEARING: (Continued from June 19, 2013 and August 21, 2013)

THE ANTHONY COMPANIES, INC., dba IMAGINE FLOORING & DESIGN, License Nos. 55193, 56653

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

The following Licensee Exhibits were entered:

Exhibit B – Respondent's subsequent Answer dated October 16, 2013.

Exhibit C – Respondent's correspondence to the Board dated October 22, 2013.

Hearing Officer Quinn 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 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(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(2) misrepresentation of a material fact by a licensee in connection with any information furnished the Board in connection with official matters of 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 for the First Cause of Action; a fine of \$100.00 each for the Second, Fourth and Sixth Causes of Action; a fine of \$1,000.00 each for the Third and Seventh Causes of Action for total fines of \$2,800.00 and investigative costs of \$3,357.00. The Sixth Cause of Action was dismissed. Respondent shall pay restitution to Gregg Gariti in the amount of \$2,500.00. License numbers 55193 and 56653, The Anthony Companies, Inc., dba Imagine Flooring & Design 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.

3. DISCIPLINARY HEARINGS: (Continued from August 21, 2013)

ROGERS WATER CONDITIONING, INC., License No. 60832

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.302(1)(a) contracting while license in suspended status; one (1) violation of NRS 624.3017(2) advertising without including the name and license number of the licensed contractor. Respondent was assessed a fine of \$100.00 for the First Cause of Action; a fine of \$50.00 for the Third Cause of Action for total fines of \$150.00 and investigative costs of \$1,350.00. The Second and Fourth Causes of Action were dismissed. All fines and investigative costs are to be paid within six (6) months of the October 23, 2013 hearing or license number 60832, Rogers Water Conditioning, Inc. shall be suspended.

4. DISCIPLINARY HEARINGS: (Continued from August 21, 2013)

SILVER STATE STEEL GROUP, INC., dba SILVER STATE ORNAMENTAL IRON, License No. 54299

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

Licensee Samuel Bailey was present at the hearing and represented by counsel, Daniel Kiefer, Esq.

The following Licensee Exhibits were entered:

Exhibit B – Correspondence from Peter Aguilar to the Board dated October 1, 2013.

Exhibit C – Correspondence from Robert Charles, Esq. to the Board dated October 23, 2013.

This matter was continued to January 22, 2014.

5. DISCIPLINARY HEARINGS:

LUCERO CONTRACTING, INC., License No. 35319

Licensee was present at the hearing and represented by Leonard Fink, Esq.

This matter was continued to January 22, 2014.

6. DISCIPLINARY HEARINGS:

THOR CONSTRUCTION, INC., License Nos. 52980, 54205

Licensee was not present but was represented by Noah Allison, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A written stipulated settlement agreement from Noah Allison, Esq. to the Board dated October 22, 2013.

The following Licensee Exhibits were entered:

Exhibit A – Correspondence from Noah Allison, Esq. to the Board dated September 12, 2013.

Exhibit B – Respondent's Answer to the Board's Complaint dated October 10, 2013.

Hearing Officer Quinn 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. Respondent was assessed a fine of \$250.00 for the Second Cause of Action and investigative costs of \$1,700.00. The First, Third and Fourth Causes of Action were dismissed. Fines and investigative costs shall be paid within thirty (30) days of the October 23, 2013 hearing or license number 52980, Thor Construction, Inc. shall be suspended.

7. DISCIPLINARY HEARINGS:

M. G. EQUIPMENT, INC., dba ALL VALLEY PAVING AND GRADING, License No. 76336

FOXY CONSTRUCTION, LLC, dba FOXY GRADING AND PAVING, License No. 69365

Licensees were not present but were represented by Tony Moreno and Lawrence Semenza, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's correspondence to the Board dated August 26, 2013.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3012(2) failure to pay any money when due; 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 for the First Cause of Action and investigative costs of \$1,751.00. Fines and investigative costs are to be paid within sixty (60) days of the October 23, 2013 hearing or license number 76336, M. G. Equipment, Inc., dba All Valley Paving and Grading and license number 69365, Foxy Construction, LLC, dba Foxy Grading and Paving shall be suspended.

8. DISCIPLINARY HEARINGS:

UNION CORPORATION, dba UNITED AIR CONDITIONING AND HEATING, License No. 77831

Licensee was present but 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 24, 2013.

Exhibit B – Respondent's correspondence to the Board dated October 22, 2013.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3014(3) any attempt by a licensee to assign, transfer or otherwise dispose of a license or permit the unauthorized use thereof. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,000.00. The Second Cause of Action was dismissed. Fines and investigative costs are to be paid within sixty (60) days of the October 23, 2013 hearing or license number 77831, Union Corporation, dba United Air Conditioning and Heating shall be suspended.

9. DISCIPLINARY HEARINGS: (Stipulated Revocation)

a. I FLY HIGH, LLC, dba WHOLESALE AIR, License No. 75829

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 stipulating to the revocation of the license dated August 29, 2013.

Hearing Officer Quinn found Respondent 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 NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State; 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 from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$100.00 each for the First, Second, Third, Fourth, Fifth and Sixth Causes of Action for total fines of \$600.00 and investigative costs of \$1,775.00. License number 75829, I Fly High, LLC, dba Wholesale Air 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.

b. ACE FENCING, INC., License No. 59653

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 e-mail to the Board stipulating to the revocation of the license dated September 23, 2013.

Hearing Officer Quinn 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 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(4) failure to keep bond in force for full period required by 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 and Sixth Causes of Action; a fine of \$50.00 for the Second Cause 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 \$1,650.00 and investigative costs of \$1,769.00. License number 59653, Ace Fencing, 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.

10. DISCIPLINARY HEARINGS – DEFAULT ORDER:

HIGHWAY TECHNOLOGIES, INC., License No. 53106

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Highway Technologies, Inc., license number 53106 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(5), as set forth in NRS 624.263(2)(o) failure to notify the Board of a filing of bankruptcy; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force for the full period required by the Board. Fines and investigative costs were not assessed due to Respondent's bankruptcy filing. License number 53106, Highway Technologies, 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.

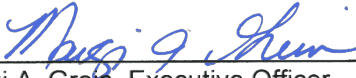
There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Quinn at 1:00 p.m.

Respectfully Submitted,

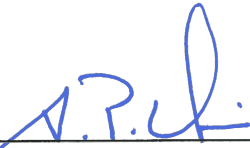


Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Stephen P. Quinn, Hearing Officer