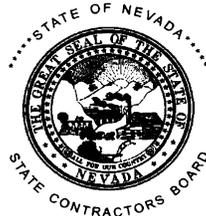


BRIAN SANDOVAL
Governor

MEMBERS

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

STATE OF NEVADA



STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
August 20, 2014**

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

CALL TO ORDER:

Richard Scotti, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, August 20, 2014, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADMINISTRATIVE LAW JUDGE:

Mr. Richard Scotti, Esq.

HEARING OFFICER:

Mr. Stephen Quinn

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Noah Allison, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on August 14, 2014, at Paseo Verde Library, 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: Richard Scotti, Esq.

1. DISCIPLINARY HEARING: (Continued from May 28, 2014 and July 23, 2014)

MURRELL E. REDDING, JR., OWNER, dba REDDING DRILLING, License No. 38155

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

ALJ Scotti continued this matter to September 17, 2014.

2. DISCIPLINARY HEARING: (Continued from July 23, 2014)

ARISE CONSTRUCTION, INC., License Nos. 17414, 77783, 77784

PACIFIC CAPITAL SERVICE CORPORATION, License No. 52224A

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Upon the Stipulation of the parties, ALJ Scotti found Respondent Arise Construction, Inc. 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; two (1) violations of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. The Third Cause of Action was dismissed. Respondent Arise Construction, Inc. was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for the Second Causes of Action for total fines of \$750.00 and investigative costs of \$3,673.00. Respondent Arise Construction, Inc. license limit on license number 17414 shall be reduced to \$8,700,000.00. Fines and investigative costs are to be paid within thirty (30) days of the August 20, 2014 hearing or license numbers 17414, 77783 and 77784, Arise Construction, Inc. shall be suspended.

ADMINISTRATIVE LAW JUDGE: Noah Allison, Esq.

3. DISCIPLINARY HEARINGS: (Continued from June 18, 2014)

SOUTHWEST AIR CONDITIONING, INC., License No. 9679

SOUTHWEST AIR CONDITIONING SERVICE, INC., License No. 11556

SOUTHWEST PLUMBING, INC., License No. 35044

Licensee was not present but was represented by counsel at the hearing, Bryce Buckwalter, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Upon the Stipulation of the parties, ALJ Allison found Respondent Southwest Air Conditioning, Inc. guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent Southwest Air Conditioning, Inc. was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$2,000.00. Respondent Southwest Air Conditioning was ordered to provide a current compliant financial statement within sixty (60) days of the August 20, 2014 hearing or license number 11556, Southwest Air Conditioning Service, Inc. and license number 35044, Southwest Plumbing, Inc. shall be suspended until a financial statement is provided. Fines and investigative costs are to be paid within sixty (60) days of the August 20, 2014 hearing or license number 11556, Southwest Air Conditioning Service, Inc. and license number 35044, Southwest Plumbing, Inc. shall be suspended.

HEARING OFFICER: Stephen Quinn

4. DISCIPLINARY HEARINGS:

SIENNA SPLASH TECHNOLOGIES, LLC, License No. 77956

Licensee Keith Alan Pfahler was present and represented by counsel at the hearing, Jason Wiley, Esq.

Licensee Brian Arthur Sagert was not present but was represented by counsel at the hearing, Scott Marquis, Esq.

Licensee Daniel John Lopez was not present and 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 – The three (3) Answers from Daniel John Lopez, Keith Alan Pfahler and Brian Arthur Sagert dated July 16, 2014.

Exhibit B - A letter from the Board to Brian Sagert dated August 7, 2014 with attachments.

Upon the Stipulation of the parties, Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3015(2) bidding for a sum for one construction contract in excess of the license limit; one (1) violation of NRS 624.3011(1)(b)(1) disregard of the building laws of this State; 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(3) failure to notify the Board of a change of address. The Third and Ninth Causes of Action are dismissed. The Respondent was assessed a fine of \$250.00 for each of the Fourth and Eighth Causes of Action; a fine of \$1,000.00 for the Fifth Cause of Action; a fine of \$100.00 for the Sixth Cause of Action for total fines of \$1,600.00 and investigative costs of \$2,038.00. The due date for payment of fines and investigative costs shall be decided at the October 22, 2014 hearing. The First, Second and Seventh Causes of Action were continued to the October 22, 2014 hearing.

5. DISCIPLINARY HEARINGS:

PREMIER POOLS, INC., License No. 53062

Licensee was not present but was represented by Ron Bennett, Resident Agent at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 - E-mails from Jeff Brook.

Exhibit 3 - An Accurate Leak Detection invoice dated August 19, 2014.

Hearing Officer Quinn continued this matter to November 12, 2014.

6. DISCIPLINARY HEARINGS:

J. G. PLUMBING, LLC, License No. 41193A

Licensee was not present but was represented by counsel at the hearing, Keith E. Gregory, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Upon the Stipulation of the parties, Hearing Officer Quinn found Respondent guilty of 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 and investigative costs of \$1,594.00. The Second and Third Causes of Action were dismissed. Fines and investigative costs are to be paid within sixty (60) days of the August 20, 2014 hearing or license number 41193A, J. G. Plumbing, LLC shall be suspended.

SHON FAINARU, OWNER, dba UNIQUE COUNTER TOPS, License No. 39750

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 - An August 12, 2014 e-mail from Barbara Rotolo.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint.

Upon the Stipulation of the parties, 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; 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) disregard of the building laws of this State; one (1) violation of NRS 624.3015(2) contracting for a sum in excess of the license limit; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license. The First and Second Causes of Action were dismissed. Respondent was assessed a fine of \$50.00 for the Third Cause of Action; a fine of \$100.00 for the Fourth Cause of Action; a fine of \$500.00 for the Fifth Cause of Action; a fine of \$250.00 for each of the Sixth and Seventh Causes of Action for total fines of \$1,150.00 and investigative costs of \$1,100.00. Fines and investigative costs are to be paid within 180 days of the August 20, 2014 hearing or license number 39750, Shon Fainaru, Owner, dba Unique Counter Tops shall be suspended.

8. DISCIPLINARY HEARINGS: (Stipulated Revocation)

TED'S MARBLE & GRANITE, INC., License No. 48015B

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 July 1, 2014.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,679.00. License number 48015B, Ted's Marble & Granite, 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.

9. DISCIPLINARY HEARINGS – DEFAULT ORDER:

a. WILMAR CONTRACTING, INC., License Nos. 35892A, 39937A

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 Wilmar Contracting, Inc. license numbers 35892A and 39937A 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 624.3013(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 624.302(6) failure 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 624.3018(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 \$250.00 for each of the Second and Third Causes of Action; a fine of \$50.00 for the Fourth Cause of Action for total fines of \$1,050.00 and investigative costs of \$1,718.00. License numbers 35892A and 39937A, Wilmar Contracting, 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.

b. MAGNUM RESTORATION SERVICES, LLC, License No. 68798

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

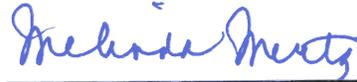
The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Magnum Restoration Services, LLC, license number 68798 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 624.3013(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 NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.600(1)(a) and (b) failure to provide the required information for subcontractors used and persons who provided materials for project; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 for each of the First, Fifth and Sixth Causes of Action; a fine of \$50.00 for each of the Second, Third and Fourth Causes of Action for total fines of \$1,650.00 and investigative costs of \$2,039.00. License number 57885, All Lit Up Electric, 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 11:23 a.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Richard Scotti, Esq., Administrative Law Judge



Noah Allison, Esq., Administrative Law Judge



Stephen Quinn, Hearing Officer

NSCB
9-8-14