

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
December 17, 2014

CALL TO ORDER:

Steven Quinn called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, December 17, 2014, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

HEARING OFFICER:

Mr. Stephen Quinn

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Richard Scotti, Esq., Legal Counsel
Mr. Noah Allison, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on December 11, 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.

HEARING OFFICER: Stephen Quinn

1. DISCIPLINARY HEARING:

SILVER STATE MARBLE, LLC, License Nos. 62776, 62894

Licensee was present and represented by Doris Nehme-Tomalka, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – A request for continuance dated December 10, 2014.

Hearing Officer Quinn continued this matter to February 18, 2015.

2. DISCIPLINARY HEARING: (Continued from August 20, 2014, October 22, 2014 and November 12, 2014)

SIENNA SPLASH TECHNOLOGIES, LLC, License No. 77956

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 dismissed the First, Second and Seventh Causes of Action. The First Interim Decision and Order entered on August 26, 2014 and the Second Interim Decision and Order entered on October 27, 2014 remain in full force and effect. Upon the stipulation of the parties, Hearing Officer Quinn revoked license number 77956, Sienna Splash Technologies, LLC.

3. DISCIPLINARY HEARINGS: (Continued from August 20, 2014)

PREMIER POOLS, INC., License No. 53062

Licensee was present and represented by James Clafin, Esq. at the hearing,

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit C – Leak detection reports.

Hearing Officer Quinn ordered Respondent to hire another leak detection company to investigate the leak at the Respondent's expense and to provide the Board with the report. This matter was continued to February 18, 2015.

4. DISCIPLINARY HEARINGS: (Continued from November 12, 2014)

SIONE KANATEA PINE, OWNER, DBA PINES MASONRY, License No. 52149

Licensee was present but 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 – Answer to the Board's Complaint dated November 10, 2014.

Hearing Officer Quinn found Respondent guilty of one (1) violation of 624.3017(1) substandard workmanship; 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; and one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license. The Second and Fifth Causes of Action were dismissed. Respondent was assessed a fine of \$250.00 for the First Cause of Action; a fine of \$50.00 for the Third Cause of Action; a fine of \$250.00 for the Fourth Cause of Action, and investigative costs of \$3,113.00. The Respondent's license limit was reduced to \$10,000.00. Fines and investigative costs are to be paid in twelve (12) equal monthly payments beginning January 16, 2015 or license number 52149, Sione Kanatea Pine, Owner, dba Pines Masonry shall be suspended.

5. DISCIPLINARY HEARINGS:**YAN HONG LIU, OWNER, DBA C & L ENTERPRISE**, License No. 60690

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 (1) violation of NRS 624.3014(1)(a) acting in the capacity of a contractor under any license except in the name of the licensee as set forth upon the license; one (1) violation of NRS 624.3016(5), as set forth in NRS 624.600(1)(a)(b) failure to provide disclosures required by general building contractor; and (1) violation of NRS 624.3013(3) failure to establish financial responsibility. The Second, Third and Fifth Causes of Action were dismissed. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$500.00 for the Fourth Cause of Action; a fine of \$1,000.00 for the Sixth Cause of Action unless the Respondent provides the Board with a CPA reviewed financial statement within two (2) weeks of the December 17, 2014 hearing; and investigative costs of \$2,294.00. Fines and investigative costs are to be paid within ninety (90) days of the December 17, 2014 hearing or license number 60690, Yan Hong Liu, Owner, dba C & L Enterprise shall be suspended.

6. DISCIPLINARY HEARINGS:**WILLIAM EUGENE DELK, OWNER, DBA ABOVE THE REST TILE**, License No. 45526

Licensee was present and represented by Valerie Fujii, 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 Answer to the Board's Complaint dated October 21, 2014.

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 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3013(5), per NRS 624.165(3)(e)(2) engaging in construction, knowingly acting as a contractor without possessing any other license required by this state or a political subdivision; and one (1) violation of NRS 624.3011(1)(b)(2) violation of the safety laws or labor laws of the State. The First, Second and Eighth Causes of Action were dismissed. Respondent must immediately make restitution to the Claimant in the amount of \$1,100.00. 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 the Sixth Cause of Action; a fine of \$250.00 for the Seventh Cause of Action; and investigative costs of \$1,250.00. Fines and investigative costs are to be paid within thirty (30) days of the December 17, 2014 hearing or license number 45526, William Eugene Delk, Owner, dba Above the Rest Tile shall be suspended.

7. DISCIPLINARY HEARINGS:

M. K. HOUSE CONSTRUCTION, INC., DBA PROLINE ROOFING, INC., License No. 77464

M. K. HOUSE CONSULTING, INC., DBA THOROUGHbred LUXURY HOMES, License No. 71558

M. K. HOUSE CONSULTING, INC., DBA M. K. HOUSE CONSULTING, INC., License Nos. 75815, 75817, 75818

M. K. HOUSE CONSULTING, INC., DBA PRIORITY PLUMBING AND AIR, License No. 76423

M. K. HOUSE CONSULTING, INC., DBA PRIORITY PLUMBING AND AIR, License No. 76574

M. K. HOUSE CONSULTING, INC., DBA COMFORT FLOORING, License No. 77325

The hearing was vacated.

8. DISCIPLINARY HEARINGS:

C.M.A CONSULTING, License Nos. 53133, 54183

The hearing was vacated.

9. DISCIPLINARY HEARINGS: (Stipulated Revocation)

D'ALESSIO CONTRACTING, INC., License Nos. 52313, 52314

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 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; and two (2) violations of NRS 624.3013(4) failure to keep in force the bond for the full period required by the Board. The Fifth Cause of Action was dismissed. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action; a fine of \$250.00 for the Third Cause of Action; an additional fine of \$250.00 for the Fourth Cause of Action; and investigative costs of \$1,785.00. License numbers 52313 and 52314, D'Alessio Contracting, 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 ORDERS:**a. FOCUSMICRO, INC.,** License No. 74254

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 Focusmicro, Inc., license number 74254 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 respond to a written request from the Board; and 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. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action; and a fine of \$100.00 for the Third Cause of Action, and investigative costs of \$1,856.00. License number 74254, Focusmicro, 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.

b. DAVISSON CONSTRUCTION, INC., DBA M. D. HOMES, License No. 59654

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

The following Agency Exhibits were entered:

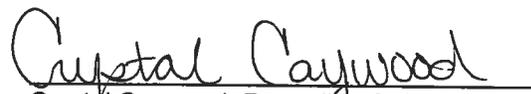
Exhibit 1 – Board Hearing File.

Hearing Officer Quinn continued this matter to February 18, 2015.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Quinn at 2:20 p.m.

Respectfully Submitted,


Crystal Caywood, Recording Secretary

APPROVED:


Margi A. Grein, Executive Officer


Stephen Quinn, Hearing Officer