

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
February 19, 2014

CALL TO ORDER:

Administrative Law Judge Richard Scotti, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, February 19, 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.

STAFF MEMBERS PRESENT:

Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on February 12, 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:

LEO JOSEPH SANTORO, OWNER, dba L & S AIR CONDITIONING & HEATING, License No. 40987

Licensee was present and represented by counsel at the hearing, Vincent James John Romeo, Esq.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Exhibit #2 – Correspondence from the Department of Treasury received February 12, 2014.

ALJ Scotti continued this matter for 180 days.

2. DISCIPLINARY HEARING:

SPRING MOUNTAIN CONSTRUCTION, INC., License No. 49520

PREFERRED CONSTRUCTION, LLC, License No. 78203

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Scotti found Respondents 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 624.3013(5), as set forth in NRS 624.600(1)(a) failure to provide the name, license number, business address and telephone number of all subcontractors on the project and all persons who furnish material of the value of \$500 or more to be used on the project; and one (1) violation of NRS 624.3018(2) on the grounds that William Leonard Brown as President and Qualified Individual of the licensee, is responsible for the actions of the licensee. The Sixth Cause of Action was dismissed. Fines were not assessed for the First and Second Causes of Action. Respondent was assessed a fine of \$100.00 for each of the Third, Fourth and Fifth Causes of Action for total fines of \$300.00 and investigative costs of \$2,364.00. License number 78203, Preferred Construction, LLC is suspended until a current financial statement with bank verification form for all cash accounts that supports the license limit is provided to the Board. If the financial statement fails to support the license limit, the license limit will be lowered to the amount the financial statement supports. Fines and investigative costs are to be paid within thirty (30) days of the February 19, 2014 hearing or license number 78203, Preferred Construction, LLC shall be suspended.

3. DISCIPLINARY HEARINGS:

BUDGET FLOORING, License Nos. 52558, 52559, 52560

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 – Respondent's Answer to the Board's Complaint received January 23, 2014.

ALJ Scotti found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3018(2) on the grounds that Patricia Michelle Klein as President of the licensee and Donald Paul Henzlik, as Vice President and Qualified Individual of the licensee, are responsible for the actions of the licensee. Respondent was assessed a fine of \$250.00 for the First Cause of Action and investigative costs of \$2,051.00. Respondent was ordered to pay restitution to Judy Little in the amount of \$3,468.00. Fines, investigative costs and restitution are to be paid within thirty (30) days of the February 19, 2014 hearing or license numbers 52558, 52559 and 52560, Budget Flooring shall be suspended.

4. DISCIPLINARY HEARINGS:

M. R. I. SOLAR, LLC, License No. 76875

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.

ALJ Scotti found Respondent guilty of one (1) violation of NRS 624.3014(1)(a) acting in the capacity of a contractor except in the name of the licensee as set forth upon the license; 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 624.3015(2) bidding for one construction project in excess of the limit placed on the license by the Board. The Fourth Cause of Action was dismissed. Respondent was assessed a fine of \$250.00 for the First Cause of Action; a fine of \$1,000.00 for each of the Second and Third Causes of Action for total fines of \$2,250.00 and investigative costs of \$1,100.00. All fines and investigative costs are to be paid within sixty (60) days of the February 19, 2014 hearing or license number 76875, M. R. I. Solar, LLC shall be suspended.

5. DISCIPLINARY HEARINGS:

FAITH VISION, LLC, dba VISION LANDSCAPING, License No. 74087

FAITH VISION, LLC, dba VISION BUILDERS, License No. 74754

Licensee was present and represented by counsel at the hearing, Benjamin Childs, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File, except for Page 39, which was excluded and not considered.

The following Licensee Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint received January 15, 2014.

ALJ Scotti found Respondents guilty of three (3) violations of NRS 624.3016(7) misrepresentation of a material fact to obtain a license; one (1) violation of NRS 624.3013(2) misrepresentation of a material fact in connection with official matters of 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 in personnel within 30 days after the change occurs; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; and one (1) violation of NRS 624.3018(2) on the grounds that Walter Jones, III, as President of the licensee, is responsible for the conduct of the licensee. The Sixth Cause of Action was dismissed. A fine was not assessed for the Seventh Cause of Action. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$500.00 for each of the Second, Third and Fifth Causes of Action; a fine of \$100.00 for the Fourth Cause of Action for total fines of \$2,600.00 and investigative costs of \$2,090.00. All fines and investigative costs are to be paid within ninety (90) days of the February 19, 2014 hearing or license number 74087, Faith Vision, LLC, dba Vision Landscape and license number 74754, Faith Vision, LLC, dba Vision Builders, shall be suspended. A payment of \$1,200.00 is due by March 20, 2014; the second payment of \$1,200.00 is due by April 20, 2014 with the balance due by May 20, 2014. License number 74087, Faith Vision, LLC, dba Vision Landscaping's monetary license limit is lowered to \$110,000.00. License number 74754, Faith Vision, LLC, dba Vision Builders' monetary license limit is lowered to \$200,000.00. Faith Vision, LLC, dba Vision Builders' license, number 74754 is suspended until a current financial statement with bank verification form for all cash accounts that supports the license limit is provided to the Board. If Walter Jones, III fails to pass the required exam, license number 74087, Faith Vision, LLC, dba Vision Landscaping shall be revoked.

6. DISCIPLINARY HEARINGS – DEFAULT ORDER:

a. DANIEL LESTER BJORK, OWNER, dba WATER RESOURCES, License No. 69866

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Scotti found Respondent Daniel Lester Bjork, Owner, dba Water Resources, license number 69866 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 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; 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) disregard of the building laws of this State; one (1) violation of NRS 624.3016(1) misrepresentation or the omission of a material fact; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.165(3)(e)(2) failure to possess any other license required by this State or a political subdivision of this State; 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, Second, Third, Fifth, Seventh and Eighth Causes of Action; a fine of \$250.00 for the Fourth Cause of Action; a fine of \$1,000.00 for the Sixth Cause of Action for total fines of \$4,250.00 and investigative costs of \$1,656.00. License number 69866, Daniel Lester Bjork, Owner, dba Water Resources 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. PATRICK ISHMAEL GORMAN, OWNER, dba ABC ROAD BUILDERS, License No. 75110

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Scotti found Respondent Patrick Ishmael Gorman, Owner, dba ABC Road Builders, license number 75110 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 624.3011(1)(b)(4) disregard and violation of the laws of this State regarding industrial insurance; one (1) violation of NRS 624.3014(2)(a) and (c) aiding or abetting an unlicensed person to evade the provisions of this chapter and allowing a license to be used by an unlicensed person; one (1) violation of NRS 624.3013(5) failure to comply with the provision of the this chapter or the regulations of the Board. Respondent was assessed a fine of \$500.00 for each of the First, Second, Fourth and Fifth Causes of Action; a fine of \$250.00 for the Third Cause of Action; a fine of \$1,000.00 for the Sixth Cause of Action for total fines of \$3,250.00 and investigative costs of \$2,458.00. License number 75110, Patrick Ishmael Gorman, Owner, dba ABC Road Builders 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. AMTEC COMMUNICATIONS, INC., License No. 67616

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

ALJ Scotti continued this matter for thirty (30) days, upon request of the licensee.

d. FINISH PROS CARPENTRY, LLC, License No. 76270

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

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

ALJ Scotti found Respondent Finish Pros Carpentry, LLC, license number 76270 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 624.3011(1)(b)(4) disregard and violation of the laws of this State regarding industrial insurance; one (1) violation of NRS 624.302(2) failure to comply with a written citation issued within the time permitted for compliance set forth in the citation. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$500.00 for the Second Causes of Action for total fines of \$1,000.00 and investigative costs of \$1,599.00. License number 76270, Finish Pros Carpentry, 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.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by ALJ Scotti at 12:07 p.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:


Margi A. Grein, Executive Officer
Richard Scotti, Esq., Administrative Law Judge