

BRIAN SANDOVAL
Governor

STATE OF NEVADA



MEMBERS
Jan B. Leggett, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Joe Hernandez
Kent Lay
Guy M. Wells

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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
MARCH 2, 2016

CALL TO ORDER:

Jonathan Andrews, Esq., called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, **MARCH 2, 2016**, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Jan B. Leggett

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. Paul Rozario, Director of Investigations
Mr. Dan Hammack, Chief Enforcement
Mr. Fred Schoenfeldt, Investigations Supervisor
Ms. Susan Broili-Kamesch, Licensing Supervisor, Reno

LEGAL COUNSEL PRESENT:

David Brown, Legal Counsel
Jonathan Andrews, Legal Counsel

The agenda was posted in compliance with the open meeting law **FEBRUARY 25, 2016** at Reno City Hall, Washoe County Court House, South Valleys Library, Paseo Verde Library, Sawyer State Building, Clark County Library, both offices of the Board, on the Board's Internet Website and the Nevada Public Notice Website.

ADJUDICATING HEARING OFFICER: JAN B. LEGGETT

1. DISCIPLINARY HEARING-DEFAULT HEARING:

STUART SPEAR DBA STUART SPEAR CONSTRUCTION, LICENSE NO. 78240

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board's Hearing File

The following Respondent's Exhibit was entered:

Exhibit A – Answer dated February 17, 2016

Hearing Officer Leggett found Respondent Stuart Spear Construction, license number 78240 guilty of violating NRS 624.3014(2)(a) aiding or abetting an unlicensed person; NRS 624.3013(5) as required by NAC 624.640(3) failure to notify of change in address; NRS 624.3013(5) as required by NAC 624.640(5) failure to include license number and monetary limit on contract; NRS 624.288 failure to display on each commercial vehicle his or her name and number of license and NRS 624.3013(3) failure to establish financial responsibility. License number 78240 is suspended until Mr. Spear pays a fine of \$1,000.00 each for the Second, Third and Fourth Causes of Action, no fine was imposed on the Fifth Cause of Action for a total fine in the amount of \$5,000.00; reimburse the Board's investigative costs in the amount of \$1,802.00 and provide a current financial statement that supports a \$200,000.00 monetary license limit.

2. DISCIPLINARY HEARING:
NMN CONSTRUCTION INC, LICENSE NO. 77919

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board’s Hearing File

The following Respondent’s Exhibit was entered:

Exhibit A – 2-3-16 letter from counsel
Exhibit B – 2-19-16 stipulated agreement

Hearing Officer Leggett accepted the stipulated agreement from the Respondent finding the Respondent NMN Construction, license number guilty of violating NRS 624.305(1) unlawful use, assignment or transfer of license; NRS 624.3014(3) any attempt by a licensee to assign, transfer or otherwise dispose of a license or permit the unauthorized use thereof; NRS 624.3016(7) misrepresentation or the omission of a material fact and NRS 624.3013(3) failure to establish financial responsibility. License number 77919 is revoked. Respondent shall pay a fine of \$1,000.00 each on the First, Second and Third Causes of Action and a \$500.00 fine on the Fourth Cause of Action for a total fine in the amount of \$3,500.00; investigative costs of \$1,968.00 to be paid by March 19, 2016.

3. DISCIPLINARY HEARING:
LERO ENTERPRISES INC DBA, A PLUS RESTORATION, LICENSE NO. 73620

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board’s Hearing File
Exhibit 2 – 2-18-16 denial of continuance letter

The following Respondent’s Exhibit was entered:

Exhibit A – Respondent’s request for continuance

Hearing Officer Leggett found Respondent A Plus Restoration, license number 73620 guilty of violating NRS 624.302(1)(a) by contracting, offering to contract or submitting a bid as a contractor if the contractor’s license has been suspended or revoked pursuant to NRS 624.300; NRS 624.3013(5) pursuant to NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license; NRS 624.3013(4) failure to keep in full force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.302(7) failure to comply with an order of the Board and NRS 624.3013(3) failure to establish financial responsibility. License number 73620 is revoked. Respondent pay a fine of \$5,000.00 on the First Cause of Action, \$250.00 on the Second Cause of Action, \$1,000.00 each on the Third, Fourth and Fifth Causes of Action and \$2,000.00 on the Sixth Cause of Action for a total fine in the amount of \$10,250.00; investigative costs of \$2,081.00 to be paid prior to re-licensure.

4. FINANCIAL RESPONSIBILITY HEARING:
PEEK BROTHERS CONSTRUCTION INCORPORATED DBA PEEK BROTHERS CONSTRUCTION
LICENSE NOS. 79201, 77037

Licensee was present.

Hearing Officer Leggett dismissed this case.

5. FINANCIAL RESPONSIBILITY HEARING:
HODGES CONCRETE LLC, LICENSE NO. 78407

Licensee was present.

Hearing Officer Leggett found the Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility and ordered the suspension of license number 78407 until receipt of a financial statement supporting the license limit and a response to the derogatory credit information listed on the credit report, including a letter from the tax attorney regarding their federal tax lien for past due payroll taxes. If not provided to staff within thirty (30) days, a fine of \$500.00 and investigative fees of \$488.00 shall be assessed.

6. FINANCIAL RESPONSIBILITY HEARING:
WILLIAM K. GRAHAM DBA GRAHAM PAINTING, LICENSE NO. 79484

Licensee was present.

Hearing Officer Leggett found the Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility and NRS 624.302(5) failure to comply. License number 79484 is suspended up to thirty (30) days or until Respondent provides evidence of current registration with the Nevada Secretary of State and a current financial statement supporting the \$10,000.00 license limit. Respondent must pay a fine in the amount of \$750.00 and investigative fees in the amount of \$464.48.

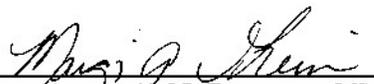
ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Leggett at 10:10a.m.

Respectfully Submitted,


Sandy Diederich, Recording Secretary

APPROVED:


Margi A. Grein, NSCB Executive Officer


Jan B. Leggett, Hearing Officer