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MEMBERS
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Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
J. BRIAN SCROGGINS
MICHAEL ZECH

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
April 11, 2005

These are DRAFT minutes not yet ratified by the Board

1. CALL TO ORDER:

Hearing Officer Dave Clark called the meeting of the State Contractors Board to order at 9:03 a.m., Monday, April 11, 2005, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

BOARD MEMBERS PRESENT:

Mr. Dave Clark
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Mr. Bruce Robb, Esq., Legal Counsel
Ms. Laura Browning, Esq., Legal Counsel

George Lyford stated Investigator Ron Carney posted the agenda in compliance with the open meeting law on April 4, 2005, at Reno City Hall, Washoe County Court House and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

ADJUDICATING BOARD MEMBER: DAVE CLARK

2. DISCIPLINARY HEARING:

RAIL CITY GARDEN CENTER, INC., LICENSE NO. 49148

Licensee was present with Counsel Michael Springer, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent exhibits were entered:

Exhibit A –Publication titled “Pond Builders Bible”

Hearing Officer Clark found Respondent Rail City Garden Center, Inc, Pawl E. Hollis, President, license number 49148, guilty of violation of NRS 624.3013(5), as set forth in NRS

624.520(1) failure to provide Residential Recovery Fund Notice to owner. The First, Second and Fourth Causes of Action were dismissed. Mr. Hollis was assessed a fine of \$500.00 for the Third Cause of Action. The fine is to be paid within 30 days from April 11, 2005 or license number 49148, Rail City Garden Center, Inc. will automatically be suspended.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Dave Clark, Hearing Officer

ADJUDICATING BOARD MEMBER: JERRY HIGGINS**3. DISCIPLINARY HEARING:****COBBLESTONE MASONRY, LICENSE NO. 24214**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Bid for repair work obtained by Homeowner

Hearing Officer Higgins found Respondent Jeffrey David Nichols, dba Cobblestone Masonry, license number 24214 guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; 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(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3011(1)(a) failure to comply with the building laws of the state; NRS 624.3013(3) failure to establish financial responsibility. Mr. Nichols was ordered to hire another licensed contractor to perform corrective work. The homeowner will pay no more than \$4,550.00 for the repairs. The corrective work must be performed to the satisfaction of Investigator Gary Leonard. If the repairs are not fully and timely completed by July 11, 2005, a further hearing will be held and fines may be assessed at that time. Mr. Nichols was assessed the cost of the investigation in the amount of \$1,612.00 to be paid within 90 days from April 11, 2005 or license number 24214, Cobblestone Masonry will be automatically suspended.

4. DISCIPLINARY HEARING DEFAULT ORDER:**JERRY O'NEAL, LICENSE NO. 51948**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Higgins found Respondent Jerry O'Neal, Owner, license number 51948 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. O'Neal was found guilty of three violations of NRS 624.3017(1) substandard workmanship; Three violations of NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; Two violations of 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; Two violations NRS 624.3015(1) acting beyond the scope of license; NRS 624.3011(1)(a) departure from plans and specifications; NRS 624.3016(1) fraudulent or deceitful act; NRS 624.302(5) failure to cooperate in an investigation; NRS 624.302(6) failure to comply with a written request from the Board for information or records; NRS 624.3013(4) failure to keep in force the bond or cash deposit pursuant to NRS 624.270 for the full period required by the Board; NRS 624.3011(b)(4) failure to comply with the laws of the state regarding

industrial insurance; NRS 624.3012(3) failure to obtain the discharge of Lien; NRS 624.3013(3) failure to establish financial responsibility. License number 51948 Jerry O'Neal was Revoked. Mr. O'Neal is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$5,714.00 and any expenses that may be paid out of the Residential Recovery Fund.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 11:04 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Jerry Higgins, Hearing Officer