

JIM GIBBONS  
Governor

STATE OF NEVADA

REPLY TO:

**MEMBERS**

MARGARET CAVIN  
*Chair*  
SPIRIDON FILIOS  
*Vice Chair*  
DAVID W. CLARK  
JERRY HIGGINS  
WILLIAM "BRUCE" KING  
RANDY SCHAEFER  
GUY M. WELLS



**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING  
October 24, 2007**

**LAS VEGAS**  
2310 Corporate Circle  
Suite 200  
Henderson, Nevada 89074  
(702) 486-1100  
Fax (702) 486-1190  
Investigations (702) 486-1110

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**RENO**  
9670 Gateway Drive, Suite 100  
Reno, Nevada 89521  
(775) 688-1141  
Fax (775) 688-1271  
Investigations (775) 688-1150

**CALL TO ORDER:**

Hearing Officer Schaefer called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, October 24, 2007, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. Randy Schaefer  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Mr. George Lyford, Director of Investigations  
Mr. Chris Denning, Deputy Director of Investigations

**LEGAL COUNSEL PRESENT:**

Mr. Bruce Robb, Esq., Legal Counsel  
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on October 17, 2007, at Las Vegas City Hall, 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 Internet Website.

**ADJUDICATING BOARD MEMBER: RANDY SCHAEFER**

**1. DISCIPLINARY HEARING:**

**CANEPA CONSTRUCTION & DEVELOPMENT, LICENSE NO. 15326**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Hearing Officer Schaefer suspended the license until the involuntary bankruptcy is resolved.

**2. DISCIPLINARY HEARING:**

**ABILITY CONSTRUCTION, LICENSE NO. 33860**

Licensee was present with counsel, Greg Wilde, Esq.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Exhibit #2 – A project proposal for the Aylward project from Tumbleweed Development Inc., dated July 13, 2007.

Exhibit #3 – Six (6) photos of the Aylward project taken by Board Investigator Gordon LaPointe on October 22, 2007.

The following Respondent Exhibits were entered:

Exhibit A – Respondent's financial statement submitted to the Board of October 22, 2007

Exhibit B – Respondent's document titled List of Exhibits and Witnesses.

Exhibit C – Partial plans for Aylward project.

The matter was taken under review by the Hearing Officer.

**3. DISCIPLINARY HEARING:**

**R. K. RUE, INC., dba C.D.I., LICENSE NO. 63774**

**R. K. RUE, INC., dba THE AFFORDABLE HANDYMAN, LICENSE NO. 67293**

Licensee was not present nor represented by counsel.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Exhibit #2 – Letter from Respondent's President, Frederick Knight stipulating to all causes of action and to the revocation of the licenses.

**Hearing Officer Schaefer found Respondent R. K. Rue, Inc., dba C. D. I., Frederick Knight, President, license numbers 63774, and dba The Affordable Handyman, License number 67293 guilty of one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee; two (2) violations of NRS 624.3015(1) acting beyond scope of license; two (2) 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 the license and any monetary limit placed upon his license. Respondent was assessed a fine of \$3,000.00 for the First Cause of Action, a fine for \$1,000.00 for each of the Second and Fifth Causes of Action and a fine of \$2,000.00 for the Fourth Cause of Action for total fines due of \$7,000.00. Respondent was found in violation of the Sixth and Seventh Causes of Action however no fine was assessed. The investigative costs were assessed in the amount of \$2,463.00. License number 63774, R. K. Rue, Inc., dba C. D. I., and license number 67293, R. K. Rue, Inc., dba The Affordable Handyman, were revoked. Mr. Knight is required to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.**

**4. DISCIPLINARY HEARING - DEFAULT ORDERS****a. NEVADA STATE BUILDERS, INC., LICENSE NO. 58489**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File

Hearing Officer Schaefer found Respondent Nevada State Builders, Inc., Steven P. Strang, Vice President, license number 58489, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Strang was found guilty of one (1) violation of NRS 624.305(1) no license may be used for any purpose by any person other than the person to whom license is issued; one (1) violation of NRS 624.3014(a),(b),(c) and (d) aiding and abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; allowing a license to be used by an unlicensed person; acting as agent, partner or associate of an unlicensed person; one (1) violation of NRS 624.301(1) abandonment of construction project; one (1) violation of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; one (1) violation of NRS 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3012(3) failure to obtain the discharge or release of any lien recorded against the property; one (1) violation of NRS 624.3012(1) diversion of money; one (1) violation 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(5) as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; one (1) violation of NRS.624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$10,000.00. The investigative costs were assessed in the amount of \$2,321.00. Respondent shall make restitution to Frank Bean in the amount of \$102,499.62 and to Delish Café & Java Bar in the amount of \$121,857.24. License number 58489, Nevada State Builders, Inc., was revoked. Mr. Strang is required to pay full restitution to all damaged parties and reimburse the Board for any monies paid out of Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

**b. ALL STAR LANDSCAPING CORPORATION, LICENSE NO. 59196**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Hearing Officer Schaefer found Respondent All Star Landscaping Corporation, Patrick Ware Robinson, President, license number 59196, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Robinson was found guilty of one (1) violation of NRS 624.3011(1) (b) (4) willful disregard of the industrial insurance laws of the State; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility: one (1) violation of NRS 624.3013(5) as set forth in NRS 624.300 failure to comply with an order from the Board. License number 59196, All Star Landscaping Corporation was revoked. Respondent was assessed a fine of \$2,500.00. Investigative costs were assessed in the amount of \$1,362.00. Mr. Robinson is required to pay full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery fund plus fines and investigative costs prior to consideration of future licensure.

**c. UNDER THE SON EXCAVATING, INC., LICENSE NO. 55421**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit #1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Under the Son Excavating, Inc., Mark Robert Franks, President, license number 55421, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Franks was found guilty of one (1) violation of NRS 624.3011(1) (b) (2) willful disregard of the safety or labor laws of the State; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(5) as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel. License number 55421, Under the Son Excavating, Inc., was revoked. Mr. Franks was assessed a fine of \$1,750.00. Investigative costs were assessed in the amount of \$1,269.00. Mr. Franks is required to pay full restitution to all damaged parties and reimburse the Board for monies paid out of the Residential Recovery fund plus 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 Hearing Officer Schaefer at 11:47 a.m.

Respectfully Submitted,

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Tricia Buyson, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Randy Schaefer, Hearing Officer