

BRIAN SANDOVAL
Governor

MEMBERS
Kevin E. Burke, Chairman
Thomas "Jim" Alexander
Margaret Cavin
Donald L. Drake
Nathaniel W. Hodgson, III
Stephen P. Quinn
Guy M. Wells

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
JANUARY 11, 2012

REPLY TO:

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

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

CALL TO ORDER:

Bruce Robb, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday **January 11, 2012**, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

OTHER BOARD MEMBERS PRESENT:

Mr. Donald L. Drake

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George J. Lyford, Director of Investigations
Mr. Daniel Hammack, Chief Enforcement
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Louis Ling, Esq., Legal Counsel
Bruce Robb, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law **January 5, 2012** 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: DONALD L. DRAKE

2. FINANCIAL RESPONSIBILITY HEARING-FAILURE TO COMPLY:
PAUL QUINTIN HARRIS dba, P Q STONE, LICENSE NO. 53128

Licensee was not present.

Hearing Officer Drake found the Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility. License number 53128 was revoked. Respondent must pay investigative costs of \$465.03.

3. DISCIPLINARY HEARING-DEFAULT HEARING:
EXTERIOR DESIGNS OF NEVADA LLC, LICENSE NO. 72804

The licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent Exterior Designs of Nevada LLC, license number 72804 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty 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 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 624.3015(1) acting in the capacity of a contractor beyond the scope of the license and NRS 624.3013(3) failure to establish financial responsibility. License number 72804 was revoked. Respondent shall pay an administrative fine in the amount of \$1,400.00 and reimburse the Board for investigative costs of \$1,542.00.

**4. DISCIPLINARY HEARING-DEFAULT HEARING:
WHALEY CONSTRUCTION, LICENSE NO. 60213**

The licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent Chadd Wayne Whaley dba, Whaley Construction, license number 60213 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of three (3) times violating NRS 624.3017(1) substandard workmanship; three (3) times violating NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; three (3) times violating 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; three (3) times violating NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; three (3) times violating NRS 624.301(1) abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; two (2) times violating NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; two (2) times violating NRS 624.3012(1) diversion of money or property received for the completion of a specific construction project or operation or for a specified purpose in the completion of any construction project acting in the capacity of a contractor; two (2) times violating NRS 624.3015(4) knowingly entering into a contract with a contractor while that contractor is not licensed; two (2) times violating NRS 624.3011(2) if a contractor performs construction without obtaining any necessary building permit there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this State or of its political subdivisions and NRS 624.3013(3) failure to establish financial responsibility. License number 60213 was revoked. Respondent shall pay an administrative fine of \$32,800.00 and reimburse the Board for investigative costs of \$1,767.00.

**5. DISCIPLINARY HEARING:
BANNER CONSTRUCTION INC, LICENSE NOS. 73993, 73434, 72908, 72906**

The licensee was present and represented by Kevin Karp, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent Banner Construction Inc, license numbers 73993, 73434, 72905, 72906 guilty of violating NRS 624.3011(2) if a contractor performs construction without obtaining any necessary building permit there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this State or of its political subdivisions; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records and NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. Respondent shall pay a fine of \$1,000.00 for the First Cause of Action and \$250.00 for the Third Cause of Action for a total fine in the amount of \$1,250.00 to be paid within ninety (90) days from January 11, 2012, or license numbers 73993, 73434, 72905 and 72906 will be automatically suspended. No fine was imposed on the Fourth Cause of Action. Respondent shall pay investigative costs in the amount of \$1,527.00 within ninety (90) days from January 11, 2012 or license numbers 73993, 73434, 72905 and 72906 will be automatically suspended. The Second and Fifth Causes of Action are dismissed. Respondent shall provide proof of financial payments to the Board within ten (10) days Respondent shall submit to a six (6) month financial review and a one (1) year financial review.

6. FINANCIAL RESPONSIBILITY HEARING:

VERTICAL CONSTRUCTION CONCEPTS LLC, LICENSE NO. 74757

Licensee was not present.

Hearing Officer Drake found the Respondent Vertical Construction Concepts LLC, license number 74757 guilty of violating NRS 624.3013(3) failure to establish financial responsibility and failure to comply with an Order issued by the Board violated the provisions of NRS 624.3013(5) and constitutes grounds for the imposition of discipline pursuant to the provisions of NRS 624.300. License number 74757 was revoked. No fines were assessed. The fines and fees of \$973.40 imposed from the August 19, 2011 Decision & Order and additional fees of \$472.16 incurred from the January 11, 2012 hearing are due prior to re-licensure.

7. FINANCIAL RESPONSIBILITY HEARING:

EXTREME VISION CONSTRUCTION & REMODELING INC, LICENSE NO. 75262

Licensee was not present.

Hearing Officer Drake found the Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility. License number 75262 was revoked. Respondent must pay investigative costs of \$494.66.

8. FINANCIAL RESPONSIBILITY HEARING:

CONSTRUCTION SERVICES & SOLUTIONS LLC, LICENSE NO. 75396

Licensee was present.

Hearing Officer Drake ordered the license remain suspended. Mr. McDonald must submit a qualifier application and financial information within fifteen (15) days and provide the documentation brought to the hearing to the Henderson personnel. No administrative fines were assessed. Respondent must pay investigative costs of \$475.91.

9. FINANCIAL RESPONSIBILITY HEARING:

AMERICAN MONSTER HEATING & COOLING INC, LICENSE NO. 75343

Licensee was not present.

Hearing Officer Drake found the Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records; NRS 624.285(4) failure to replace the person originally qualified within the 30-day period, the license may be suspended or revoke and 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. License number 75343 was revoked. No administrative fines were assessed. Respondent must pay investigative costs of \$472.16.

10. FINANCIAL RESPONSIBILITY HEARING:

JAMES MEREDITH OSBURN dba, OSBURN ELECTRIC, LICENSE NO. 75236

Licensee was not present.

Hearing Officer Drake found the Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records and 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. License number 75236 was revoked. No administrative fines were assessed. Respondent must pay investigative costs of \$470.91.

11. FINANCIAL RESPONSIBILITY HEARING:

ROBERT ERNEST ROMNEY dba, SILVER STATE STUCCO, LICENSE NO. 75375

Licensee was not present.

Hearing Officer Drake found the Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(6) failure or refusal to comply with a written request by the Board for information or records and 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. License number 75375 was revoked. No administrative fines were assessed. Respondent must pay investigative costs of \$472.16.

12. FINANCIAL RESPONSIBILITY HEARING:

SILVIO AGUSTIN MATEO dba MATEO CONSTRUCTION, LICENSE No. 50897

Licensee was not present.

Hearing Officer Drake suspended the license for ninety (90) days and if Respondent does not respond, license number 58097 will be revoked.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Drake at 9:15a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Donald L. Drake, Hearing Officer