

BRIAN SANDOVAL
Governor

STATE OF NEVADA



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

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING March 21, 2012

CALL TO ORDER:

Hearing Officer Alexander called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, March 21, 2012, 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. Jim Alexander, Hearing Officer
Mr. Kevin Burke, Hearing Officer
Mr. Donald Drake, Board Member

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel
Mr. Jonathan Andrews, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on March 15, 2012, 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: JIM ALEXANDER

1. DISCIPLINARY HEARING: (Continued from December 14, 2011)

ATLAS FLOORING, INC., License Nos. 50480, 52490, 52491, 53669

Licensee was not present.

Homeowners, Cecil and Barbara Forcum were present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File was entered at the December 14, 2011 hearing.

Exhibit 2 – A proposal from Desert Eagle Flooring, dated February 1, 2012.

Hearing Officer Alexander found Respondent 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 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$2,000.00 for each of the First and Second Causes of Action for total fines of \$4,000.00 and investigative costs of \$1,086.00. License numbers 50480, 52490, 52491, 53669, Atlas Flooring, Inc. were revoked. Respondent is required to make full restitution to the Forcums.

ADJUDICATING BOARD MEMBER: KEVIN BURKE

2. DISCIPLINARY HEARING:

HARDY CONSTRUCTION, INC., License No. 19407B

H. C. I. UNDERGROUND, LLC., License No. 51357A

Licensee was present with counsel, Keith Gregory, Esq.

One witness testified for the Board.

Zach Hassell, Assistant Project Manager, John Hammerbeck, Superintendent and Steaten Rushton, Controller were present from Hardy Construction, Inc.

Peter Ozigbu with ZCON, Inc., Dwight Oliver, Construction Manager with C.M. Works, Scott Tidwell, Controller with H. C. L. Underground, LLC, Cortney Whipple, President and Angela Branco, Controller from Southwest Foundations, Inc., were present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated March 12, 2012.

Exhibit B - Respondent's List of Exhibits.

Exhibit C – Keith Gregory, Esq.'s correspondence to the Board dated March 16, 2012.

Hearing Officer Burke found Respondent 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(3) failure to establish financial responsibility; two (2) violations of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for each of the Second and Fourth Causes of Action for total fines of \$1,000.00; the Fifth and Sixth Causes of Action were assessed no fines. The Third Cause of Action was dismissed and the First Cause of Action is stayed for six (6) months from today's hearing. Investigative costs were assessed in the amount of \$1,984.00. Fines and costs are due within thirty (30) days of today's hearing or license number 19407B, Hardy Construction, Inc., and license number 51357A, H. C. I. Underground, LLC will be suspended. The licensee shall submit a new application for a B or B2 license within thirty (30) days of today's hearing. Licensee is not to submit bids using the AB license. A new financial statement is to be provided with the application with a license limit that supports the financials, which shall be the license limit for the new license. License number 19407B, Hardy Construction, Inc. shall be surrendered. If a new license limit is not obtained within ninety (90) days of today's hearing, license number 19407B shall be suspended.

3. DISCIPLINARY HEARING:

MASONCRAFT TILE AND MASONRY, LLC, dba MASONCRAFT POOL BUILDERS OF LAS VEGAS,
License No. 74549

MASONCRAFT TILE AND MASONRY, LLC, License Nos. 70438, 70439, 75063

MASONCRAFT TILE AND MASONRY, LLC, License No. 73626

PERSONAL RESORTS POOLS AND SPAS, LLC, License No. 73868

Licensee was not present but represented by counsel, Rhonda Long, Esq. and Eric Dobberstein, Esq.

Ruth Helen Clark, Managing Member of Personal Resorts Pools and Spas, LLC was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

The following Respondent’s Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint dated January 31, 2012.

Exhibit B – Ruth Helen Clark, Managing Member of Personal Resorts Pools and Spas, LLC’s Answer to the Board’s Complaint dated March 19, 2012.

Exhibit C - Correspondence from Eric Dobberstein, Esq. dated March 20, 2012.

Hearing Officer Burke dismissed the Board’s Complaint against Personal Resorts Pools and Spas, LLC, license number 73868.

This matter was continued to April 18, 2012.

4. DISCIPLINARY HEARING:

NEAL AND SONS ENTERPRISES, LLC, dba SAGE CONSTRUCTION, License No. 62301

Licensee was present.

Trent Scarlet, Sales and Marketing Manager with Wells Cargo was present.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

The following Respondent’s Exhibits were entered:

Exhibit A – Respondent’s Answer to the Board’s Complaint dated February 15, 2012.

Exhibit B – Correspondence from the Respondent to the Board stipulating revocation of his license dated March 19, 2012.

Hearing Officer Burke found Respondent 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(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$500.00 for the Second Cause of Action for total fines of \$1,500.00 and investigative costs of \$1,486.00. License number 62301, Neal and Sons Enterprises, LLC, dba Sage Construction 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 fines and investigative costs prior to consideration of future licensure.

5. DISCIPLINARY HEARING:

NORPAC CONSTRUCTION, LLC, License Nos. 54755, 54757

Licensee was present.

William Graves was present from Nevada American Construction, LLC with counsel, Cecilia Ventimiglia, Esq.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's correspondence to the Board dated October 12, 2011.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 for the First Cause of Action and investigative costs of \$1,503.00. License numbers 54755 and 54757, Norpac Construction, LLC, were 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 fines and investigative costs prior to consideration of future licensure.

6. DISCIPLINARY HEARING:

GEOFFREY BURNET SHAW, Owner, dba SILVER CITY A C, License No. 13923

GEOFFREY B. SHAW, Owner, dba SILVER CITY A C, License No. 25808

Licensee was not present but represented by counsel, Lauren Calvert, Esq.

Edward Frasier from Palmetto Construction was present with counsel, Theodore Parker, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Proposed Answer.

Exhibit B – Respondent's Request for a Continuance.

Hearing Officer Burke found Respondent guilty of 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 624.3014(2)(a) aiding or abetting an unlicensed person; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$100.00 for the Second Cause of Action; a fine of \$1,000.00 for the Fourth Cause of Action; a fine of \$500.00 for the Fifth Cause of Action for total fines of \$1,600.00 and investigative costs of \$1,750.00. Fines and costs are due within sixty (60) days of today's hearing. The Third Cause of Action shall be dismissed upon payment of restitution to Deloris Sawyer of \$19,000.00 due within ninety (90) days of today's hearing. License number 13923, Geoffrey Burnet Shaw, Owner, dba Silver City A C and license number 25808, Geoffrey B. Shaw, owner, dba Silver City A C shall be suspended until restitution, fines and costs are paid.

7. DISCIPLINARY HEARING:

BENEDICT CONSTRUCTION, INC., License No. 18938A

Licensee was not present.

Three witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's correspondence to the Board dated February 14, 2012.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. No fines were assessed as Licensee has filed for Chapter 13 Bankruptcy. License number 18938A, Benedict Construction, Inc. was revoked.

8. DISCIPLINARY HEARING: (Stipulated Revocation)

SURFACEWORKS CUSTOM PAINTING, LLC, License No. 64103

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – Correspondence received from Keith Gregory, Esq. dated January 30, 2012.

Hearing Officer Burke found Respondent 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) 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(4) failure to keep bond in force; one (1) violation of NRS 624.302(1)(a) contracting or submitting a bid if license has been suspended or revoked; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. 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, Fourth, Fifth and Six Causes of Action; a fine of \$250.00 for the Third Cause of Action for total fines of \$3,250.00 and investigative costs of \$1,485.00. License number 64103, SurfaceWorks Custom Painting, 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 fines and investigative costs prior to consideration of future licensure.

9. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. J. C. R. SHOTCRETE, INC., License No. 49450

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent J. C. R. Shotcrete, Inc., license number 49450 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 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action and investigative costs of \$1,715.00. License number 49450, J. C R. Shotcrete, Inc. 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 fines and investigative costs prior to consideration of future licensure.

b. VARGAS ELECTRIC, LLC, License No. 58072

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Correspondence from Labor Max Staffing, LLC stating they received one-half of the amount that was owed.

Hearing Officer Burke found Respondent Vargas Electric, LLC, license number 58072 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 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action; a fine of \$250.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs of \$1,320.00. License number 58072, Vargas Electric, 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 fines and investigative costs prior to consideration of future licensure.

c. CARC PLUMBING, INC., License No. 74673

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent CARC Plumbing, Inc., license number 74673 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 624.301(4) failure to prosecute a construction project with reasonable diligence; one (1) violation of NRS 624.301(1) abandonment of construction project; one (1) violation of NRS 624.302(5) failure to respond to a written request from 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(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 \$1,000.00 for each of the First and Second Causes of Action; a fine of \$250.00 for each of the Third, Fourth and Fifth Causes of Action; a fine of \$500.00 for the Sixth Cause of Action for total fines of \$3,250.00 and investigative costs of \$1,326.00. License number 74673, CARC Plumbing, Inc. 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 fines and investigative costs prior to consideration of future licensure.

d. DAVID J. DULFON, Owner, dba DAYSTAR CONSTRUCTION, License No. 73700

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent David J. Dulfon, Owner, dba Daystar Construction, license number 73700 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 624.3013(3) failure to establish financial responsibility; one violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$500.00 for each of the First and Second Causes of Action for total fines of \$1,000.00 and investigative costs of \$1,229.00. License number 73700, David J. Dulfon, Owner, dba Daystar Construction 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 fines and investigative costs prior to consideration of future licensure.

ADJUDICATING BOARD MEMBER: NATHANIEL HODGSON

10. DISCIPLINARY HEARING: (Continued from June 22, 2011, July 20, 2011, November 16, 2011)

SOUTHWEST STONE AND TILE, INC., License Nos. 46544, 46545

Licensee was present with counsel, Charles Bennion, Esq.

Larry Halverson, CFO of Southwest Stone and Tile, Inc. was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

The following Respondent’s Exhibits were entered:

Exhibit C – Correspondence from Charles Bennion, Esq. to the Board dated March 15, 2012.

This matter was continued for six (6) months. Licensee is to work with staff regarding reactivating the C20 license. If the C20 license is reactivated, it would be subject to the probation conditions that were set forth last year.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Hodgson at 10:42 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Thomas “Jim” Alexander, Hearing Officer

Kevin E. Burke, Hearing Officer

Nathaniel W. Hodgson, Hearing Officer