

BRIAN SANDOVAL
Governor

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

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
MAY 8, 2013

REPLY TO:

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CALL TO ORDER:

Administrative Law Judge Bruce Robb called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, **MAY 8, 2013**, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

OTHER BOARD MEMBERS PRESENT:

Mr. Jan B. Leggett

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

The agenda was posted in compliance with the open meeting law **MAY 2, 2013** 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.

ADMINISTRATIVE LAW JUDGE: BRUCE ROBB

2. DISCIPLINARY HEARING: CONTINUED FROM FEBRUARY 6, 2013
ALPINE STEEL LLC, LICENSE NO. 42951

Licensee was present and represented by counsel Don Williams, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit B - A letter from Don Williams, Esq. dated April 30, 2013 with an Answer
Exhibit C - A letter from the Respondent to Johnson & Burt CPA's, LLC
Exhibit D - Respondent's April 30, 2013 financial statement
Exhibit E - A spreadsheet prepared by George Lyford, Director of Investigations with supporting documents provided by Don Williams, Esq.

Exhibit F - A letter to vendors notifying them of Respondent's Probation
Exhibit G - Respondent's IRS billing summaries

Administrative Law Judge Bruce Robb ordered Respondent shall provide a list of all current projects with the value of the projects to the Board by Friday, May 10, 2013. The listing shall be updated every Friday. Respondent shall provide the front and back of all checks paid to the IRS and the Department of Corrections, Silver State Industries by Friday, May 10, 2013. The payments shall be reported on a continual monthly basis. Respondent shall provide a copy of all settlement agreements entered into by Friday, May 10, 2013. New settlement agreements are to be reported by the 10th of each month. Respondent shall provide a revised financial statement prepared by Johnson & Burt to the Board by Wednesday May 22, 2013. Respondent's license limit shall remain at \$1,700,000.00 until further review of the revised financial statement.

3. DISCIPLINARY HEARING:CONTINUED FROM APRIL 3, 2013
ALCHEMY INSTALLATIONS ENT, LICENSE NO. 45315A

Licensee was present with counsel Marc Pickens, Esq.

Administrative Law Judge found the Respondent Alchemy Installation Ent, license number 45315A guilty of violating NRS 624.3016(7) by misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license; NRS 624.302(5) by failing or refusing to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint; The use of a false identity to obtain and maintain a Nevada State Contractors license displays a lack of good character and established a bad reputation for honesty and integrity, pursuant to the provisions of NRS 624.3013(5) as set forth in NRS 624.265(1); The use of a false identity to obtain and maintain a Nevada State Contractors License is a violation of NRS 624.3013(2); Respondent committed a fraudulent or deceitful act in the capacity of a contractor by establishing and maintaining the false identity of Edward Thomas Joseph to obtain and maintain his Nevada State Contractors license in violation of NRS 624.3016(1); NRS 624.302(6) by failing to comply with a written request by the Board for a complete set of fingerprints, thereby obstructing or delaying the providing of such information or records and NRS 624.3013(3) by failing to establish financial responsibility. Mr. Clark was ordered to pay a administrative fine of \$2,050.00 and reimburse the Board the investigative fees of \$1,594.00 in four equal payments of \$911.00 to be paid within four months of May 8, 2013. The first payment shall be made on May 15, 2013.

4. DISCIPLINARY HEARING:CONTINUED FROM APRIL 3, 2013
JUDSON ENTERPRISES INC DBA K DESIGNERS, LICENSE NOS. 38900, 71229, 73114 AND 73293

Licensee was present.

The following Respondent Exhibit was entered:

Exhibit 3 – Respondent's answer

Administrative Law Judge found the Respondent Judson Enterprises Inc dba, K Designers, license numbers 38900, 71229, 73114 and 73293 guilty of violating NRS 624.3011(a)(b)(2) willful or deliberate disregard and violation of the safety laws or labor laws of the State, and NRS 624.3011(2) by commencing work on the project without the issuance of the necessary building permits; NRS 624.301(5) by willfully failing or refusing without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty, thereby causing material injury to another; NRS 624.3013(5) by failing to comply with the Board's Notices to Correct pursuant to NAC 624.700(3)(a); NRS 624.3013(5) by failing to notify the owner of her rights related to the recovery fund pursuant to NRS 624.520(1); NRS 624.3013(5) by failing to include the monetary license limit on Respondent's contract with Mrs. Macpherson as required by NAC 624.640(5); NRS 624.3018(2), which states in pertinent part that the performance by any partnership, corporation, firm or association of any act or omission constituting a cause for disciplinary action likewise constitutes a cause for disciplinary action against any licensee who is a member, officer, director or associate of such partnership, corporation, firm or association, and who participated in such prohibited act or omission and NRS 624.3013(3) failure to establish financial responsibility. K Designers shall pay a fine of \$2,000.00 for the First Cause of Action, \$1,000.00 for the

Second Cause of Action, \$1,000.00 for the Third Cause of Action, \$50.00 for the Fourth Cause of Action, \$50.00 for the Fifth Cause of Action, no fine was imposed for the Sixth Cause of Action and \$500.00 for the Seventh Cause of Action for a total fine of \$4,600.00; reimburse the Board investigative fees of \$3,392.00; fines and fees are to be paid in 2 payments of \$3,996.00, with the first payment to be made within 30 days of May 8, 2013 and the second payment to be made within 60 days of May 8, 2013. K Designers shall reimburse Ms. McPheeters \$9,400.00; K Designers shall comply with Ms. McPheeters providing them or another licensed contractor any assistance needed to complete the project in a timely manner and provide a current financial statement to the Board within 30 days of May 8, 2013. Failure to comply with the above order shall result in further disciplinary action.

5. FINANCIAL RESPONSIBILITY HEARING
NORCROSS CONSTRUCTION LLC, LICENSE NO. 75303

Licensee was not present but was represented by Kris Ballard, Esq.

Administrative Law Judge Bruce Robb continued this matter with the following conditions; Licensee must provide a financial statement no later than May 31, 2013. If the financial statement supports the license limit or a lower limit, licensee does not need to attend another hearing. If the information does not support any limit, licensee must attend another hearing. Licensee must not enter into any contracts until financial responsibility is established.

6. FINANCIAL RESPONSIBILITY HEARING
JOSE LUIS ROBLES-IBANEZ DBA HIS PLUMBING, LICENSE NO. 76681

Licensee was not present.

Administrative Law Judge Robb found Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility. Respondent must pay a fine of \$250.00 and investigative fees in the amount of \$466.28. License number 76681 is revoked.

7. FINANCIAL RESPONSIBILITY HEARING
MEDIATEL GROUP LLC, LICENSE NO. 76522

Licensee was present.

Administrative Law Judge Bruce Robb ordered licensee to provide bankruptcy petition, schedules and proposed plan and confirmation of plan, if available, within thirty (30) days. Licensee must pay investigative fees of \$491.28 and provide bankruptcy information within thirty (30) days or license number 76522 will automatically be suspended.

8. FINANCIAL RESPONSIBILITY HEARING
ADVANCED INTEGRATION SOLUTIONS LLC, LICENSE NO. 76507

Licensee was not present.

Administrative Law Judge Bruce Robb found Respondent guilty of violating NRS 624.3013(3) failure to establish financial responsibility; NRS 624.302(5) failure to comply with written request of the Board 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. Respondent must pay a fine of \$1,500.00 and investigative fees in the amount of \$478.41. License number 76507 is revoked.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Administrative Law Judge Robb at 12:13p.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Bruce Robb, Administrative Law Judge