

JIM GIBBONS
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
December 1, 2010

REPLY TO:

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

CALL TO ORDER:

Hearing Officer Donald L. Drake called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday December 1, 2010, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

STAFF MEMBERS PRESENT:

Ms. Margi A. Grein, Executive Officer
Mr. George J. Lyford, Director of Investigations
Mr. Gary Hoid, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

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

The agenda was posted in compliance with the open meeting law November 23, 2010 at Reno City Hall, Washoe County Court House, Washoe County Library, 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-DONALD L. DRAKE:

1. DISCIPLINARY HEARING:
FIRST AMERICANS, LICENSE NO. 68139

Licensee was present with Del Hardy, Esq.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A-Definition for Repairs
Exhibit B-Definition for Maintenance

Hearing Officer Drake found the Respondent First Americans, license number 68139 guilty of violating NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license. Respondent to pay a fine of \$250.00 for the First Cause of Action and reimburse the Board for investigative costs in the amount of \$1,920.16 within sixty (60) days of December 1, 2010 or license number 68139 will automatically be revoked.

**2. DISCIPLINARY HEARING:
RAW ENTEPRISES LLC, LICENSE NO. 60746**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1-Board Hearing File
Exhibit 2-Photos
Exhibit 3-Receipt for flooring

Hearing Officer Drake found the Respondent Raw Enterprises LLC, license number 60746 guilty of violating NRS 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 and NRS 624.3013(3) failure to establish financial responsibility. Respondent was ordered to pay a fine of \$500.00 for the First Cause of Action and \$50.00 for the Second Cause of Action for a total fine of \$550.00; and reimburse the Board for investigative costs in the amount of \$2,549.16; reimburse Carrie Winchell \$2,263.00 for labor and \$2,377.51 for the original flooring to be paid within sixty (60) days of December 1, 2010 or license number 60746 will automatically be revoked. The Third and Fourth Causes of Action are dismissed. No fine will be imposed on the Fifth Cause of Action if the Respondent indemnifies the license within sixty (60) days or license number 60746 will automatically be revoked.

**3. DISCIPLINARY HEARING-DEFAULT ORDER:
BATTLE BORN BUILDERS INC, LICENSE NOS. 60375 AND 60377**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found Respondent Battle Born Builders Inc, license numbers 60375 and 60377 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 624.3016(1) fraudulent or deceitful act and NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action. License numbers 60375 and 60377 are Revoked. Respondent shall pay an administrative fine in the amount of \$2,500.00; full restitution to the damaged parties and reimburse the Board for investigative costs of \$1,958.00 and any claims and associated expenses that may be paid out of the Residential Recovery Fund.

**4. FINANCIAL RESPONSIBILITY HEARING:
SMITTY'S CONSTRUCTION, LICENSE NO. 32565A**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake ordered Respondent must meet with staff within ten (10) days to resolve the financial issues. If resolved, no re-hearing is necessary.

5. FINANCIAL RESPONSIBILITY HEARING:
SIERRA TILE & PLASTER, LICENSE NOS. 73711, 73712 AND 73713

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake continued this matter for thirty (30) days to resolve the financial issues. If resolved, no re-hearing is necessary. If no contact in thirty (30) days, license numbers 73711, 73712 and 73713 will automatically be revoked.

6. FINANCIAL RESPONSIBILITY HEARING:
STINNETT CONSTRUCTION, LICENSE NO. 49244A

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake reduced the monetary license limit to \$200,000.00. Continue for thirty (30) days to resolve the financial issue. If resolved, no re-hearing is necessary.

7. FINANCIAL RESPONSIBILITY HEARING:
TEMAC DEVELOPMENT INC, LICENSE NO. 73373

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake continued this matter for thirty (30) days to resolve the financial issue. If resolved, no re-hearing is necessary.

8. FINANCIAL RESPONSIBILITY HEARING:
HORIZON MASONRY LLC, LICENSE NO. 73665

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. License number 73665 Horizon Masonry LLC, was revoked.

9. FINANCIAL RESPONSIBILITY HEARING:
A WEST COAST CONSTRUCTION LLC, DBA CAN DO CONSTRUCTION, LICENSE NO. 73629

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake found the Respondent guilty of one (1) violation of NRS 624.3013(3) failing to establish financial responsibility and one (1) violation of NRS 624.302(6) failing to comply with a written request by the Board. License number 73629 A West Coast Construction LLC, dba Can Do Construction, was revoked.

10. FINANCIAL RESPONSIBILITY HEARING:
L P WINDOWS & DOORS LLC, LICENSE NO. 73752

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake reduced the monetary license limit to \$20,000.00.

11. FINANCIAL RESPONSIBILITY HEARING:
J D M TECH INC, DBA LAS VEGAS HOME TECHNOLOGY, LICENSE NO. 73758

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake accepted the inactive status.

12. FINANCIAL RESPONSIBILITY HEARING:
TYRANT FRAMING INC, LICENSE NO.73669

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Hearing Officer Drake accepted the inactive status.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Drake at 10:30 a.m.

Respectfully Submitted,

Sandy Diederich, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Donald L. Drake, Hearing Officer