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Governor

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## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING July 19, 2023

#### ADMINISTRATIVE LAW JUDGE

Noah Allison, Esq. and Richard Scotti, Esq.

#### STAFF MEMBERS PRESENT

Dave Behar, Deputy Director of Investigations  
Jack Snyder, Fraud Investigator

Carl Hilbish, Compliance Investigator  
Damien Bilyeu, Compliance Investigator  
Irene Elicerio, Compliance Investigator

#### LEGAL COUNSEL PRESENT Jack Juan, Esq.

Executive Director Margi Grein stated that the agenda was posted in compliance with the open meeting law at both offices of the Board, on the Board's Internet Website, the Nevada Public Notice Website, and e-mailed electronically to persons who have expressed interest in being kept informed of the Board's meetings.

1. DISCIPLINARY HEARING –  
**G V S Construction LLC, License No. 80553**  
Case Nos.: 30060468; 30060798  
Miguel Angel Gutierrez, Manager, CMS and Trade

All Exhibits except for EXH NSCB000063 - Board Hearing File

Appearances by Respondent, Miguel Gutierrez who appeared with counsel, Edgar Smith, Esq.; Respondent Mendoza (#30060798) appeared in person with counsel, David Lee, Esq.; Complainant Gloria Diaz and her son; Jack Juan, Prosecutor and Irene Elicerio, Compliance Investigator. The Motion to Dismiss by Respondent Gutierrez is **DENIED** by the Administrative Law Judge for being filed untimely. The hearing was stopped and moved from the morning session to the afternoon to allow time for Respondents to present evidence and witness testimony. Hearing resumed and one witness, Investigator Elicerio was called to testify. After coming to the end of the day, Respondent's attorney requested an additional half day for witness testimony. The hearings were thereby continued to July 25, 2023 at 10:30 a.m. to allow time for Respondent(s) to present evidence and witness testimony. A Notice of Continuance will be prepared by the Board.

2. DISCIPLINARY HEARING –  
**Bella Patio LLC, License No. 87658**  
Case No. 30058393  
Lee Packer, Managing Member, CMS and Trade  
Christy King Packer, Managing Member

Exhibit 1 - Board Hearing File

Appearances by Respondent, Lee Packer with his counsel, Ryan Flannagan, Esq.; Jack Juan, Prosecutor, Josue Barrera, Compliance Investigator. After hearing from Prosecutor Jack Juan and Compliance Investigator Barrera, the Administrative Law Judge finds that there is a preponderance of evidence and sufficient cause to suspend Respondent's license. Further, the Administrative Law Judge finds that Respondent is in violation of the following: (1) Non-compliance with financial documents. Prosecutor Jack Juan and Ryan Flannagan, Esq. have a side-bar meeting and come to an agreement that Respondent will work out a deal with the Complainant to rectify the issues in this matter. It is ORDERED that the Respondent's license # **87658** is suspended pending compliant financials. Upon immediate receipt and review of the financials provided by Respondent, NSCB paralegal, Leslie Fuller, affirms that the Respondent is compliant and able to support the \$40,000 bid limit. Therefore the Administrative Law Judge lifts the temporary suspension of license #**87658** and the Motion for Continuance is granted. The hearing is continued to August 16, 2023 for a status check.

**3. DISCIPLINARY HEARING – Continued from May 17, 2023**  
**Freedom Forever Nevada, LLC, License No. 82973**  
Case No. 30061073  
Gregory Russell Albright, Member, CMS and Trade

Exhibit 1 - Board Hearing File

Respondent appears through Butch Williams, Esq. Also appearing is Rutel Willy, Esq., and Kiley Powell, Esq.; Jack Juan, Prosecutor, and Jack Snyder Fraud Investigator. The parties have worked out a Settlement Agreement where any monies paid towards the loan (if any) on this matter will be refunded in its' entirety to Complainant, Tiffany Shorter. That Respondent will work diligently and directly with any and all of the Credit Bureau(s) to remove the negative impact on Complainant's credit report. The Administrative Law Judge finds that there is a preponderance of evidence to find and ORDER that Respondent is in violation of NRS 624.3015(7). The hearing is thereby continued to August 16, 2023 for a status check.

**4. DISCIPLINARY HEARING – Continued from June 14, 2023**  
**Titan Solar Power NV, Inc., License No. 84903**  
Case Nos. 30062066; 30060869; 30060457; 30061234; 30061842; 30061866; 3006189;  
30060526; 30061364; 30061515; 30061410; 30061641; 30061824; 30062251; 30062285;  
30062322; 30062325; 30062390; 30062409; 30062424; 30062416.  
Kenneth Mark Williams, President, CMS and Trade  
Heather Baire Williamson, Treasurer, Secretary  
David Michael Williamson, Other

Admitted: Any and all documents not already part of file received and admitted by Prosecutor/Board and Respondent's Exhibit D.

Present are Complainants Susan Hastings, Thor Simmons, Paul Mason and Rita Reimer. Respondent appears through Butch Williams, Esq., Clay Byrnes, Esq., Rutel Wiley, Esq., and Katie Fisher, Titan Director of Compliance; Jack Juan, Prosecutor, and Terry Wike, Compliance Supervisor. Motion to lift probation is DENIED. After testimony by Complainants Hastings, Simmons, Mason and Reimer, The Administrative Law Judge ORDERS Respondent is to produce all financing "docusign documents" and a list of materials supplied in excess of \$500 or more by July 26, 2023. Prosecutor Juan requests that a disciplinary hearing be set. Thereupon, after listening to status update from the Board, Respondent's counsel and testimony from Homeowners/Complainants, and that there are still 23 open and active pending cases, the Administrative Law Judge denied Titan's request to lift the probation. The Board informed the Administrative Law Judge that it will attempt to move forward with a separate hearing for discipline to be set for September 20, 2023.

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**5. DISCIPLINARY HEARING – Continued from June 14, 2023**

**Adame Construction, License Nos. 87433, 83598**

Case Nos. 30061001; 30061357; 30061656; 30061764; 30061807; 30061861; 30062003; 30061911; 30062168; 30062259; 30062035; 30061993; 30062154; 30061995; 30062503

Karry Allen Cunningham, Managing Member, CMS and Trade

Zulma Franco-Jimenez, Managing Member

Luis Gerardo Adame Castillo, Managing Member

Exhibit 1 - Board Hearing File

Appearing for Respondent is Gabriel Adame and Zulma Franco Jiminez. Counsel for Respondent, John Wright, Esq.; Jack Juan, Prosecutor and Terry Wike, Compliance Supervisor; Complainants Dave & Amy Chestnut, Louis D'Acosta, Mark & Sara Schnabel, and Matthew Whittaker. After hearing testimony from Complainants and receiving status update from Terry Wike, Compliance Supervisor, and Respondent's counsel, the Administrative Law Judge upholds the summary suspension and for having no bond and no Qualified Individual on their licenses. The Administrative Law Judge further ORDERS that Respondent cannot make corrections and no work can be done on any of the open cases. The Administrative Law Judge will prepare a Decision & Order regarding the suspension. The Prosecutor advises that funds may be available to the Complainant through the Residential Recovery Fund and that the Complainants should file their claims. Respondents are required to appear at disciplinary hearing set for September 20, 2023.

**6. DISCIPLINARY HEARING – Continued from June 14, 2023**

**Parkway C&A LP, License No. 81709**

Case No. 30061273

Jerry Bennett Elmer, Limited Partner

Quentin Vaughan Hancock, Limited Partner

Joseph William Elmer, Limited Partner

John Golden Elmer, Limited Partner

Richard Gerard Wojciechowski, Limited Partner

David Wesley Elmer, CMS and Trade

Exhibit 1 - Board Hearing File

Appearances are Rebecca White for Aqua Plumbing; Zach Miller, Respondent, and counsel Nicholas Wiezack, Esq.; Jack Juan, Prosecutor and Damien Bilyeu, Compliance Investigator.

After testimony from Aqua Plumbing and hearing evidence from Prosecutor, Jack Juan, there is a preponderance of evidence to ORDER the following: Dismiss Violation #1 and #2 with a warning. #3 – violation with nominal fine of \$500 with license suspension until compliant financials are completed within thirty (30) days.

**7. DISCIPLINARY HEARING –**

**All American Air Conditioning, dba Air Supply Cooling, License No. 79885**

Case No. 30062102

Jesus Abraham Ruiz-Reyes, President, CMS and Trade

Exhibit 1 - Board Hearing File

Appearances by Respondent, Jesus Ruiz-Reyes; Prosecutor, Jack Juan, Prosecutor and Carl Hilbish, Compliance Investigator. Little testimony is given by Respondent regarding his previous disciplinary actions, and is questioned by Prosecutor Juan and Administrative Law Judge Allison, regarding his continuous disregard for the Nevada State Contractors rules and regulations. Both the Prosecutor and Administrative Law Judge agree that it would be best if the hearing is stopped at this point so Respondent can hire counsel to assist him in the defense of this matter. Therefore it is ORDERED that Respondent's license is hereby immediately suspended. That Respondent is to do no work until a new hearing can be set. Accordingly the hearing is rescheduled for August 16, 2023 at 8:30 a.m.

8. **DISCIPLINARY HEARING –**  
**Star Landscaping, Inc., License No. 86897**  
Case No. 30059768  
Randy Ray Rogahn, President, CMS and Trade

Exhibit 1 - Board Hearing File

Appearances by Respondent Randy Rogahn, and Jesus Ruiz; Jack Juan, Prosecutor and Carl Hilbish, Compliance Investigator.

After testimony by Randy Rogahn the Prosecutor moves to dismiss Citation No. C-2302-4346 and the Administrative Law Judge ORDERS the citation DISMISSED.

9. **DISCIPLINARY HEARING –**  
**Radco Construction, License Nos. 83308, 82094, 85457**  
Case No. 30060055  
Amber Lynne Marino-Douzat, Member, CMS  
Robert Alan Douzat, Manager, Trade

Exhibit 1 - Board Hearing File

Respondent does not appear. Appearances by homeowners David & Vickie Kirovac; Jack Juan, Prosecutor and Josue Barrera, Compliance Investigator. Notice of Default previously served on Respondent. After testimony from Complainants that the City of Las Vegas is waiting on a Decision & Order to do final "owner builder" permit so Complainants may complete the work needed on home. After a preponderance of evidence the Administrative Law Judge finds and ORDERS License Nos. 83308, 82094 and 85457 are hereby revoked immediately. That Respondent is in violation of #1, #2, #3, #4 and #5 with \$5,000 fine per violation for a total of \$20,000. It is further ORDERED that Respondent shall hereby pay the Boards fees and costs associated with this case within thirty (30) days.

10. **DISCIPLINARY HEARING –**  
**J M F Development LLC, License No. 887658**  
Case No. 30058774  
Jeremy Michael Fray, Managing Member, CMS and Trade

Exhibit 1 – 21 – Board Hearing File


Appearing for Respondent is Jeremy Fray; Jack Juan, Prosecutor and Josue Barrera, Compliance Investigator; and Brian Bugni for Mojave Electric. After testimony by Jeremy Fray regarding a proposed settlement with Mojave Electric, the Prosecutor agrees to the following and the Administrative Law Judge DISMISSES violation #1; finds Respondent to be in violation of #2 and hereby ORDERS license suspension and fine of \$500, payment to Mojave for undisputed amount with suspension. The Administrative Law Judge stayed the suspension for ten (10) days until the Boards fees and costs are paid in full.

**ADJOURNMENT**

The meeting was adjourned by the Administrative Law Judge at 3:42 p.m.

Respectfully Submitted,

  
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Leslie Fuller, Recording Secretary

APPROVED  
  
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Margi A. Grein, Executive Officer