JOE LOMBARDO Governor

STATE OF NEVADA

MEMBERS Boyd Martin, Chairman Margaret Cavin **Bryan Cowart** Joe Hernandez Kent Lay Jan B. Leggett Louis Polish Jr.



STATE CONTRACTORS BOARD

Northern Nevada

5390 Kietzke Lane, Suite 102 Reno, NV 89511 (775) 688-1141 Fax (775) 688-1271 Investigations: (775) 688-1150

www.nscb.nv.gov

Southern Nevada 8400 West Sunset Road, Suite 150 Las Vegas, NV 89113 (702) 486-1100 Fax (702) 486-1190 Investigations: (702) 486-1160

MINUTES OF THE MEETING **February 7, 2024**

ADMINISTRATIVE LAW JUDGE

Noah Allison, Esq.

STAFF MEMBERS PRESENT

Margi Grein, Executive Officer David Behar, Executive Director, Investigations Terry Wike, Compliance Supervisor

Jason Johnston, Compliance Investigator

LEGAL COUNSEL PRESENT Jack Juan, Esq.

Executive Officer, Margi Grein, stated 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 – Continued from December 6, 2023:** Reno Heating & Air, Inc., License No.: 56404

Case No.:30063285 Joe Trevino, Sr., President John David Trevino, Secretary, trade Joe Trevino, Jr., Treasurer Katy Sue Trevino, CMS

Admitted ALL Exhibits - Board Hearing File

Appearances are made in person by Ken Koop for Western Nevada Supply Co., Respondent appears through Kathy Trevino, Prosecutor Jack Juan, Esq.; Terry Wike, Compliance Supervisor; and Jason Johnston, Compliance Investigator. Administrative Law Judge Noah Allison, (ALJ) asks Prosecutor Juan if the Respondent was able to secure funds to pay Complainant in 30 days, as was Ordered at the December 6, 2023 hearing. Prosecutor Juan states the amount has not been paid. Respondent Katy Trevino is sworn in and testifies that they haven't been able to secure the funds. Reno Heating & Air, Inc. is still seeking loans and looking to payments from their customers to hopefully pay the Complainant. Ken Koop, Credit Manager for Western Nevada Supply, Co., is sworn in and testifies that he has not heard a peep from Respondent in the last 30 days and has not received any monies towards the amount owed to him. The Board recommends a continuance for 30 days, and a \$1,000 fine. The Board asks that their license be revoked immediately if the \$1,000 fine and the amount owed to Western Nevada Supply Co., is not paid within the next 30 days. In the meantime, the license will remain suspended and any work that was previously started is to cease immediately if it hasn't already ceased. The ALJ Orders that the Board will Notice the 30 Day Continuance.

2. <u>DISCIPLINARY HEARING</u> –

All American Construction LLC, License No. 83059
Case Nos. 30061674, 30061063, 30061628, 30061630
Gary Dee Crider, Managing Member, CMS and Trade
Steve Martin Hess, Managing Member
Jose Luis Ojeda-Ayala, Managing Member

Admitted ALL Exhibits - Board Hearing File -

Appearances are made in person by Homeowners Kandace Gonzalez; Cameron Hartley; Renae Hogan and daughter, Kristen McGee; Business Owner / Complainant Samninder Singh; Gary Crider, Respondent Managing Member; Prosecutor Jack Juan Esq.; Terry Wike, Compliance Supervisor; and Jason Johnston, Compliance Investigator. Administrative Law Judge Noah Allison (ALJ) swears in all that are here to give their testimony. When asked by Prosecutor Juan, whether any monies have been received from the July 27, 2023 agreement - Homeowner Kandace Gonzalez testifies that she has received approximately \$69,000 in installment payments, but is still due around \$23,500. Respondent is sworn in and Prosecutor Juan asks whether his plan is to continue to pay the agreed upon amount to Kandace Gonzalez. Respondent testifies that he cannot pay any additional money towards this debt as he is unable to complete his other paying jobs. Business Owner Samninder Singh is sworn in and testifies that he has lost a year worth of rent due to the incomplete status of the building he contracted with Respondent to build. The ALJ is taking Case No. 30061063 under advisement. Homeowner Cameron Hartley is sworn in and testifies that a permit was never requested, and to this date, hasn't been up to code. The ceiling is warped, has water damage to trusses and remains incomplete. Case No. 30061628 is taken under advisement. Homeowner Renae Hogan and her daughter, Kristen McGee are sworn in and testify that they contracted with Respondent for an 800 sq. foot room addition. They paid \$124,000 of the \$180,000 contract and the project remains incomplete. They have had to contract with another contractor to complete the project. Homeowner Hogan testified that she paid Reno Trusses directly to tear out and rebuild the trusses that were not up to code. After hearing testimony from all homeowners and hearing from Respondent, the ALJ has directed the Board to ensure that the Homeowners are given the Residential Recovery Fund pamphlets; that license number 83059 is suspended for 60 days or until a Decision and Order can be written by the ALJ. Fines and fees are to be calculated and will appear in the Decision and Order. The ALJ states that once the Decision and Order is written, the Respondent can then ask for reconsideration of the suspension. Further, the ALJ states that if and when the Respondent pays all Complainants in full, the Board will dismiss several of the allegations.

3. <u>DISCIPLINARY HEARING</u> –

Prime Landscapes, LLC - License No. 87994

Case Nos. 30062570

Noe Reyes-Casillas, Reyes, Manager, CMS and Trade

Admitted ALL Exhibits - Board Hearing File -

Appearances are made in person by Respondent, Noe Reyes-Casilles; Homeowner, Sean McCool; Prosecutor Jack Juan Esq.; Terry Wike, Compliance Supervisor; Jason Johnston, Compliance Investigator. Administrative Law Judge (ALJ) Noah Allison swears in witness Respondent Noe Reyes-Casilles, and Homeowner, Sean McCool. Respondent is appealing the administrative citation as there was a termination of the contract on March 31, 2022. Therefore it is his opinion that no contract equals no warranty issues. After hearing testimony from both sides, the Board ask the ALJ to affirm allegation #1 and uphold the summary suspension of license no. 87994; and to find Respondent in violation of allegation #2 with a fine of \$500. The ALJ therefore finds that Respondent is in violation of allegation #1; that it is affirmed and will uphold the summary suspension; in violation of allegation #2 and fined the amount of \$500; That Respondent has 30 days to provide compliant financials to the Board. That Respondent is to pay fines, fees and costs that are to be determined in this administrative matter.

4. DISCIPLINARY HEARING -

Silver State Fence & Stain, LLC, License No. 70764A Case Nos. 30062236 Allen Lee Simpson, Sr., Managing Member, Trade Allen Lee Simpson, Jr., CMS

Admitted ALL Exhibits - Board Hearing File

Appearances are made in person by Homeowner, Jessica Hodges; Respondent, Allen Simpson, Jr. (aka A.J. Simpson), and Heather Shriver, Silver State Manager; Respondent's counsel, Emilee Hammond, Esq.; Prosecutor Jack Juan Esq.; Terry Wike, Compliance Supervisor; and Jason Johnston, Compliance Investigator; Administrative Law (ALJ) Judge Noah Allison swears in Homeowner Jessica Hodges wherein Prosecutor Juan proceeds to ask about the reason for the complaint which centers around the quality of and the workmanship of the fencing. After testimony from the Homeowner, re-direct by Respondent counsel, and testimony of Jason Johnston, Compliance Investigator, with re-direct by Respondent counsel, the Board and Respondent's counsel agree to admit (no contest) in violation of allegation #1; Allegation #2 is dismissed; Allegation #3 will be taken under advisement by the ALJ; Respondent is found to be in violation of allegations #4 and #5; with allegations #6 and #7 dismissed. The ALJ will take the remaining issues under advisement and get a Decision and Order written, including fees and costs within 30-60 days.

5. <u>DISCIPLINARY HEARING</u> -

Silver Summit Landscaping LLC, License Nos. 90130 Case Nos. 30064251 Megan Chantel Skaggs, Managing Member, CMS and Trade

Admitted ALL Exhibits - Board Hearing File -

Appearances are made in person by the Homeowner, Michelle Titus, Homeowner's counsel, Jeff Spencer, Esq.; Respondent, Megan Skaggs, Respondent's counsel, August Hotchkin, Esq.; Prosecutor Jack Juan Esq.; Terry Wike, Compliance Supervisor; and Jason Johnston, Compliance Investigator. After Homeowner is sworn in and gives limited testimony through her attorney, the ALJ states that in addition to allegations 1 through 10, that NAC 7251(4)(e) [The violation or violations were perpetrated against a person 60 years of age or older or a person with a diagnosed physical or mental disability] shall be added as additional violation #11. The Board requests that Respondent pay nominal fees and fines; that Respondent be found in violation of allegations 1-8, and #10, with allegation #7 and #9 dismissed. Therefore, Administrative Law Judge (ALJ) Noah Allison finds that Respondent is violation of allegation #1 and fined \$1000; in violation of allegation #2 and fined \$500; in violation of allegation #3 and fined \$500; in violation of allegation #4 and fined \$1,000; in violation of allegation #5 and fined \$250; in violation of allegation #6 and fined \$250; Allegation #7 is dismissed with prejudice; in violation of allegation #8 and fined \$1,000; Allegation #9 is dismissed; in violation of allegation #10 and fined \$50 for total of \$4,550. That newly added allegation #11, Senior Enhancement – NAC 7251(4(e) is taken under advisement by the ALJ and will be considered in the Decision and Order. The ALJ further ORDERS that the Respondent has 60 days to pay the \$4,550 fines listed above. The Board's fees and costs will be calculated and added to the ALJ's Decision and Order.

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ADJOURNMENT

The disciplinary hearing was adjourned by Administrative Law Judge Noah Allison, at 2:27 p.m.

Respectfully Supmitted,

Leslie Fuller, Recording Secretary

APPROVED

Margi A. Grein, Executive Officer