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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING October 2, 2024

ADMINISTRATIVE LAW JUDGE Richard Scotti, Esq.

STAFF MEMBERS PRESENT

David Behar, Executive Officer
Terry Wike, Director of Investigations
Damien Bilyeu, Compliance Supervisor
Josue Barrera, Compliance Investigator

Mark Shryock, Compliance Investigator
Jeff Holland, Criminal Investigator

LEGAL COUNSEL PRESENT Jack Juan, Esq.

Executive Officer, David Behar, 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 –**
***GVS Construction, License Nos. 80553, 83631, 83309**
Case Nos.: 30062162
Miguel Angel Gutierrez – Manager, CMS and Trade

Admit ALL Exhibits –

Homeowners Terry & Clara Pugh appear via Zoom with their in person attorney, John Wright, Esq.; Respondent Miguel Gutierrez appears in person with counsel, Edgar Smith, Esq.; Prosecutor Jack Juan, Esq.; and Mark Shryock Compliance Investigator. Prosecutor and Mr. Smith have agreed to a continuance with the understanding that the cost of today's proceedings will be added to the final fees and costs. Thereafter, the Administrative Law Judge (ALJ), **ORDERS that the hearing is continued to October 16, 2024 with the Board to send out a Notice of Continuance.**

2. **DISCIPLINARY HEARING –**
***American Precision Construction, Inc., License No.: 80737**
Case No.: 30063717
David Lawrence Case – President, CMS and Trade

Admit ALL Exhibits –

In person appearance by Christine Sinagra, Complainant/Homeowner with her attorney, Heather Fleming, Esq.; Respondent appears through Craig Slater, Esq. as Respondent was called away to a family emergency in North Carolina; Prosecutor Jack Juan, Esq.; and Mark Shryock, Compliance Investigator. Respondent's attorney request for a continuance to provide sworn testimony is approved; Therefore, the Administrative Law Judge (ALJ) finds and **ORDERS that the matter is continued to October 16, 2024, with the Board to send out a Notice of Continuance.**

3. **DISCIPLINARY HEARING –**
***Fiesta Pools & Spas, LLC, License No.: 60895A**
Case No.: 30061239
Gilberto Sabino Urrutia – Manager, CMS and Trade

Admit ALL Exhibits –

Respondent does not appear in person; Prosecutor Jack Juan, Esq.; and Damien Bilyeu Compliance Supervisor. After Default prove-up examination testimony by Damien Bilyeu, the Board recommends Respondent pay the Board's fees and costs with immediate revocation of license number 60895A. Thereafter, the Administrative Law Judge (ALJ) **ORDERS that with a preponderance of evidence being presented at the prove-up hearing, deems it appropriate to find Respondent in Default; that license number 60895A is immediately revoked; and that Respondent is to pay the Board's reasonable fees and costs within 30 days of receipt of the Decision and Order.**

4. **DISCIPLINARY HEARING –**
***K & J Leishman Construction, LLC, License No. 67254**
Case No.: 30061843
Kevin Goad Leishman – President, CMS and Trade
Jennifer Lee Leishman – Secretary

Admit ALL Exhibits –

Homeowner/Complainants, Bernie H. and Kim Svihovec; Respondents, Kevin and Jennifer Leishman appear in person and through their attorney, Clifford Gravett, Esq.; Witness, Al Fuller, Owner of Mesquite Tile & Flooring; Prosecutor Jack Juan, Esq.; and Josue Barrera, Compliance Investigator. After witness testimony and cross exam, the Administrative Law Judge (ALJ) finds that ***Respondent's request to invoke inclusionary authority is denied; that due process has been afforded and ORDERS that Respondent is found to be in violation of Allegation #1 and fined in the amount of \$500; that there is no liability in Allegation #2 and that Respondent's are to pay the Board's reasonable fees and costs within thirty (30) days of the date of the Decision and Order.***

5. **DISCIPLINARY HEARING –**
***Nevada Quality Windows, Inc., License No. 79094**
Case No.: 30066127, 30066128, 30066129, 30066130 30066134
William Patrick Peel, President, CMS and Trade
Debra Ann Peel – Secretary

Admit ALL Exhibits –

Respondent does not appear in person or through counsel; Prosecutor Jack Juan, Esq.; and Jeff

Holland, Criminal Investigator. After Default prove-up examination testimony by Investigator Holland, the Board recommends Respondent pay the Board's fees and costs with immediate revocation of license number 79094. Good cause appearing, the Administrative Law Judge (ALJ) **ORDERS that Respondents are jointly and severally liable and found to be in violation of Allegation #1 through #30 and fined \$1,000 per each allegation for a total in fines of \$30,000. The ALJ further ORDERS that if any of the Complainants make a claim against the Residential Recovery Fund and are granted any amount of money, that Respondent will be liable for reimbursement of that amount; That William Patrick Peel and Debra Ann Peel are permanently banned and prohibited from conducting business, serving as an officer, director or partner for any licensed company in the State of Nevada and that the fines, fees and costs are to be paid within thirty (30) days of the date of the Decision and Order.**

6. **DISCIPLINARY HEARING –**

***Progressive Construction, Inc., dba Growth Construction, License No. 78005**

Case Nos.: 30061000

Philippe Khalil Ziade, President, CMS and Trade

Admit ALL Exhibits –

Homeowners/Complainants, Tyler Smith and Samantha Fair appear in person and through their attorney's, Richard Peel, Esq. and Troy Domina, Esq.; Respondents Philippe and Patrick Ziade appear in person and through their attorney, David Lee, Esq.; Prosecutor Jack Juan, Esq.; Damien Bilyeu, Compliance Supervisor. Respondent's attorney argued that NRS Ch. 40 due process was not had. The ALJ asks the Board and counsel if they would like to strike all documents or proceed today with Exhibits. It was agreed to continue with the hearing. Counsel for Homeowners ask the ALJ if they may go off record to meet and confer outside of the hearing room; after going off the record for a few minutes, Respondent and Homeowner's attorneys come back on record that they would like to continue the hearing for 90 days. **A compromise between the Board and both attorneys is made with continuing the hearing to December 12, 2024, with a status check via Zoom that the Prosecutor will coordinate and schedule.**

7. **DISCIPLINARY HEARING –**

***Kayo, LLC dba Kayo Energy, License No. 87173**

Case Nos.: 30065705, 30065706, 30065707, 30065708, 30065709, 30065710
30065711

Aaron David Weymann – Managing Member

Admit ALL Exhibits –

Respondent does not appear in person; Prosecutor Jack Juan, Esq.; and Damien Bilyeu Compliance Supervisor. After Default prove-up examination testimony by Compliance Supervisor Bilyeu, the Administrative Law Judge (ALJ) **ORDERS that Respondent is found to be in Default as an Answer was not timely filed; that license number 87173 is immediately revoked; that Respondent is found to be in violation of Allegations #1 through #35 with fines of \$1,000 per each allegation for a total of \$35,000, plus the Board's reasonable fees and costs; that if any of the sub-contractors liened any of the Homeowner/Complainants they may make a claim against the Residential Recovery Fund and if they are granted any amount of money, that Respondent will be liable for reimbursement of that amount; That Respondent Aaron David Weymann is permanently banned and prohibited from conducting business, serving as an officer, director or partner for any licensed company in the State of Nevada**

and that the fines, fees and costs are to be paid within thirty (30) days of the date of the Decision and Order.

8. **STATUS CHECK HEARING – (Continued from August 7, 2024)**

***PPAS LV, LLC, dba Premier Pools & Spas, License No. 79647**

Case Nos.: 30059093, 30059586, 30059638, 30059871, 30060193, 30060485, 30060672, 30060727, 30060732, 30060745, 30060748, 30060769, 30060976, 30061118, 30061129, 30061155, 30061256, 30061802, 30063160, 30064302, 30064588, 30064591, 30064592, 30064593, 30065177, 30066438

Penny Marie Ramos-Bennett – Managing Member

Ronald Raymond Bennett, Jr. – Manager, CMS and Trade

Admit ALL Exhibits –

Homeowners Juan Fernandez; Rowena Navarette, Michael Vincent, and Lenora Sawtelle; Respondent Ronald Bennett, Jr. appears in person and by and through Donald “Butch” Williams, Esq., Scott Shirley, Esq.; Prosecutor, Jack Juan, Esq.; and Damien Bilyeu, Compliance Supervisor. ***A status update, with information gleaned from the homeowners replying to an email sent by the Board requesting an update prior to the hearing,*** is read aloud to the Hearings Officer (ALJ Scotti) and Respondent’s counsel by Damien Bilyeu. Homeowners are sworn in and give testimony regarding issues that still need to be repaired or replaced, or warranty related issues or issues regarding not having a warranty, period; Respondent’s attorney Scott Shirley, Esq., reads a reply to the status update from the Board, including the information that the money owing matters have been resolved with a settlement agreement. The Board states that this is the FINAL status check hearing and is moving to schedule a Disciplinary Hearing on a date to be determined. The Board will Notice that date once scheduled.

ADJOURNMENT

The disciplinary hearing was adjourned by Administrative Law Judge Richard Scotti at 12:24 p.m.

Respectfully Submitted,



Leslie Fuller, Recording Secretary

APPROVED



David Behar, Executive Officer