

KENNY C. GUINN
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

MICHAEL ZECH
Chairman
DOUGLAS W. CARSON
MARGARET CAVIN
DAVID W. CLARK
SPIRIDON G. FILIOS
JERRY HIGGINS
RANDY SCHAEFER



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STATE CONTRACTORS' BOARD

MINUTES OF THE MEETING JANUARY 29, 2003

Adjudicating Board Member Doug Carson called the meeting of the State Contractors' Board to order at 8:35 a.m., Wednesday, January 29, 2003, State Contractors' Board, Henderson, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

ADJUDICATING BOARD MEMBER:

Mr. Douglas W. Carson

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Ms. Nancy Mathias, Licensing Administrator
Mr. George Lyford, Director of Investigations
Mr. Chris Denning, Deputy Director of Investigations

LEGAL COUNSEL PRESENT:

Ms. Carolyn Broussard, Legal Counsel
Mr. Bruce Robb, Legal Counsel (Walter Bruce Robb)

Mr. Carson stated that Bob Macke had posted the agenda in compliance with the open meeting law on January 22, 2003, at the Sawyer State Building, Clark County Library, and Las Vegas City Hall. The agenda was also posted in both offices of the Board, Henderson and Reno, and on the Board's Internet web site.

1. DISCIPLINARY RE-HEARING:

GRIZZLY CONSTRUCTION, LICENSE #42743 AND U.S.A. ENGINEERING & CONSTRUCTION CO., LICENSE #42742

Mr. William Armstrong, Owner of Grizzly Construction and U.S.A. Engineering & Construction Co.; Investigator Jeff Sudweeks; Investigator Dan Hammack; and Investigator Troy Beaver were sworn in. Mr. Keith Gregory, attorney for Mr. Armstrong, was present.

The hearing was for possible violation of NRS 624.3014(2)(b)(c)(d); NRS 624.305(1) and NRS 624.305(2); NRS 624.3015(2); NRS 624.3011(1)(b)(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.3013(5), as set forth in NAC 624.640(3); and NRS 624.3018(2).

Mr. Gregory stated that Mr. Armstrong stipulated to all the causes of action except the sixth cause since the letter did go to the right address. The new receptionist, for Rockway Construction, had refused it, because she did not know Mr. Armstrong rented space from them.

Ms. Broussard informed the Board that the licenses of Grizzly Construction and U.S.A. Engineering & Construction Co. had been revoked on October 22, 2002, as the result of

a default hearing and that revocation should be rescinded.

MR. CARSON RESCINDED HIS PREVIOUS DECISION TO REVOKE LICENSE #42743, GRIZZLY CONSTRUCTION AND LICENSE #42742, U.S.A. ENGINEERING & CONSTRUCTION CO.

Mr. Gregory produced a letter from Rockway Construction, where Mr. Armstrong rents office space, stating correspondence from the Board addressed to Mr. Armstrong had been inadvertently returned. This letter was entered into the record as Exhibit A.

The Notice of Hearing and Complaint was entered into the record as Exhibit B.

Investigator Sudweeks testified that the Notice to Correct had been sent to the address of record with the Board and had been returned. Investigator Sudweeks stated he verified that Respondent had a different physical address that had not been reported to the Board.

Investigator Beaver stated that the League complaint had been resolved.

Mr. Armstrong testified that construction on the Wagon Wheel Estates commenced prior to his obtaining the proper permits.

The evidentiary portion of the hearing was closed.

MR. CARSON DISMISSED THE SIXTH CAUSE OF ACTION AND FOUND GRIZZLY CONSTRUCTION, LICENSE #42743 AND U.S.A. ENGINEERING & CONSTRUCTION CO., LICENSE #42742, IN VIOLATION OF ALL OTHER CAUSES OF ACTION; TO REVOKE LICENSE NOS. 42743 AND 42742; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$3,184 PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

Mr. Robb informed Mr. Gregory that Ms. Broussard would prepare the proposed Decision and Order and submit it to Mr. Gregory for his comments.

2. DISCIPLINARY RE-HEARING:

HANDY MAN AMERICA LAS VEGAS, INC., LICENSE NOS. 50354 AND 50337

Ms. Marguerite Bemis Turner, President of Handy Man America Las Vegas, Inc. and Investigator Jim Ables were sworn in. Mr. Chris McCullough, counsel for Handy Man America Las Vegas, Inc., was present.

The hearing was for possible violation of NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.3013(5), as set forth in NAC 624.640(5); and NRS 624.3018(2).

The Notice of Hearing and Complaint was entered into the record as Exhibit A.

Ms. Broussard stated that the license of Handy Man America Las Vegas, Inc. had been revoked as the result of a default hearing November 20, 2002, and that revocation should be rescinded.

MR. CARSON RESCINDED HIS PREVIOUS DECISION TO REVOKE LICENSE NOS. 50354 AND 50337, HANDY MAN AMERICA LAS VEGAS, INC.

Investigator Ables testified that he had validated the workmanship issues and issued a Notice to Correct to which Respondent has not complied. Photos of the roof and drywall, taken on Monday, January 27, 2003, were entered into the record as Exhibit B. Investigator Ables testified that the contract called for the entire roof to be re-roofed.

Mrs. Turner testified that she had typed the contract between Handy Man America and Mr. Erickson but she had not been present when the contract was negotiated. Mrs. Turner further testified that the contract price was for the re-roofing of half of the roof as the portion of the roof with solar panels was not to be done.

Investigator Ables testified that the contract stated the re-roofing was for the entire roof except the area of the solar panels.

A copy of two "Satisfaction Statements", signed by Mr. Erickson on June 22, 2001, and July 5, 2001, were entered into the record as Exhibit C.

Mr. McCullough stipulated the contract did not contain the license number. Mr. McCullough informed the Board that Mrs. Turner wished to surrender her licenses.

The evidentiary portion of the hearing was closed.

MR. CARSON FOUND HANDY MAN AMERICA LAS VEGAS, INC., LICENSE NOS. 50354 AND 50337, IN VIOLATION OF THE 1ST CAUSE OF ACTION AND TO DISMISS THE 2ND, 3RD, AND 4TH CAUSES OF ACTION; TO ACCEPT THE SURRENDER OF LICENSE NOS. 50354 AND 50337; AND TO RECOVER THE INVESTIGATIVE COSTS OF \$1,328 PLUS ANY EXPENSES THAT MAY BE PAID OUT OF THE RECOVERY FUND PRIOR TO CONSIDERATION OF FUTURE LICENSURE.

3. DISCIPLINARY HEARING:

LANDSCAPE CREATIONS BY EXECUTRIM INC., LICENSE #48547 AND **LANDSCAPE CREATIONS LV INC.**, LICENSE #54075

Mr. Timothy Carpenter, President of Landscape Creations by Executrim Inc. and Landscape Creations LV Inc.; Mr. Scott Mitchell, Owner of Scott Mitchell Design; Mr. Brett Beanan, Homeowner; and Investigator Tom Lawrence were sworn in. Mr. Oliver Pancheri, counsel for Landscape Creations by Executrim Inc., was present.

The hearing was for possible violation of NRS 624.3011(1)(b)(1); NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.700(3)(a); NRS 624.3017(3); NRS 624.3014(1); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(5), as set forth in NAC 624.520(1); and NRS 624.3018(2).

The Notice of Hearing and Complaint was entered into the record as Exhibit A.

Mr. Pancheri stated that Mr. Carpenter stipulated to the 4th, 5th, 6th, 7th, and 8th causes of action.

Mr. Beanan testified that he entered into a contract on February 26, 2002 for the construction of a concrete slab, an alumawood patio cover, a large water feature, and landscaping at his residence for a total contract price of \$14,925.00, of which \$7,462.00 has been paid. Mr. Beanan further testified that work commenced on February 26, 2002, and Respondent was last on the project March 22, 2002. During cross-examination, Mr. Beanan retracted the time on the project and stated that the work began approximately 2 weeks after the contract was signed. Mr. Beanan stated that he had filed a civil complaint against the Respondent.

A copy of the complaint was entered into the record as Exhibit B.

Investigator Lawrence testified that he had validated the workmanship issues and issued a Notice to Correct to which Respondent has not complied. An inspection notice from the

City of Las Vegas dated May 22, 2002 was entered into the record as Exhibit C. Investigator Lawrence stated that when he visited the residence on January 27, 2003, Mr. Beanan had demolished the water feature.

Mr. Pancheri stated that the Notice to Correct had not been complied with because Mr. Beanan had not allowed the Respondent back on the property.

Mr. Carpenter testified that he was advised that Elite Patio obtained the building permits. He did not perform electrical on the project and the landscaping did not require a permit. Mr. Carpenter stated that he would complete the repairs if he were allowed access to the property.

Mr. Mitchell testified that he was the subcontractor who poured the concrete patio. He was not allowed access to the property to repair the patio referenced in the Notice to Correct.

The evidentiary portion of the hearing was closed.

MR. CARSON DISMISSED THE 3RD CAUSE OF ACTION AND FOUND LANDSCAPE CREATIONS BY EXECUTRIM INC., LICENSE #48547 AND LANDSCAPE CREATIONS LV INC., LICENSE #54075, IN VIOLATION OF ALL OTHER CAUSES OF ACTION; TO FINE RESPONDENT \$1,000 FOR THE 1ST CAUSE OF ACTION AND \$500 FOR THE 2ND, 4TH, 5TH, 6TH AND 7TH CAUSES OF ACTION FOR A TOTAL OF \$3,500; TO RECOVER THE INVESTIGATIVE COSTS OF \$2,069; FINES AND COSTS TO BE PAID WITHIN 120 DAYS OR LICENSE WILL AUTOMATICALLY BE SUSPENDED.

4. DISCIPLINARY HEARING:

STUART MICHAEL INC., LICENSE #44420

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3012(2); NRS 624.302(5); NRS 624.302(5); NRS 624.3013(3); NRS 624.3013(5), as set forth in NAC 624.640(3).

This matter was continued until next year as Respondent has been reactivated into military duty until January 2004, and is not available to appear for a disciplinary hearing.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Doug Carson at 12:26 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman