

KENNY C. GUINN  
Governor

## STATE OF NEVADA



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**MEMBERS**  
RANDALL SCHAEFER  
*Chairman*  
MARGARET CAVIN  
DAVID W. CLARK  
SPIRIDON FILIOS  
JERRY HIGGINS  
J. BRIAN SCROGGINS  
MICHAEL ZECH

## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING FEBRUARY 24, 2004

#### **1. CALL TO ORDER:**

Chairman Randall Schaefer called the meeting of the State Contractors Board to order at 8:21 a.m., Tuesday, February 24, 2004, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

#### **BOARD MEMBERS PRESENT:**

Mr. Randy Schaefer - Chairman  
Ms. Margaret Cavin  
Mr. David Clark  
Mr. Spiridon G. Filios  
Mr. Jerry Higgins  
Mr. J. Brian Scroggins  
Mr. Michael Zech

#### **STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Investigations  
Mr. Daniel Hammack, Acting Deputy Director of Investigations

#### **LEGAL COUNSEL PRESENT:**

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

**It was moved and seconded to hear the amended agenda. MOTION CARRIED.**

#### **b. UNFINISHED BUSINESS:**

Ms. Grein informed the Board that the Board's CPA had approved the revised procedures for cash disbursements.

**It was moved and seconded to approve the revised procedures for cash disbursements. MOTION CARRIED**

#### **2. APPROVAL OF MINUTES: February 10, 2004**

**It was moved and seconded to approve the minutes of February 10, 2004. MOTION CARRIED.**

#### **3. APPLICATIONS:**

**a. APPLICATIONS: (CLOSED MEETING PURSUANT TO NRS 241.030)**

**It was moved and seconded to close the meeting to the public in accordance with NRS 241.030 to discuss financial matters. MOTION CARRIED.**

**KEN KESSLER ROOFING**, LICENSE NO. 26044 (C-15 A ROOFING) REACTIVATE INACTIVE STATUS LICENSE, RECONSIDERATION

Licensee was present. The Board approved the reactivation of the license contingent upon an updated financial statement.

**HINSON DEVELOPMENT, LLC**, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present. The Board approved the application.

**PAINTING BY ERICA**, (C-4 A PAINTING) NEW APPLICATION, RECONSIDERATION

Applicant was present. The Board approved the application.

**DUFFY GENERAL BUILDERS, LLC**, (B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATION

Applicant was present. This matter was tabled.

**b. RATIFICATION OF LICENSE APPLICATIONS, CHANGES OF LICENSURE, REINSTATEMENTS OF LICENSURE:**

**It was moved and seconded to ratify all applications not specifically discussed in closed session as recommended by staff. MOTION CARRIED.**

**4. SUBCOMMITTEE REPORTS:**

**RECOVERY FUND SUBCOMMITTEE:**

Ms. Grein reviewed the results of the Residential Recovery Fund hearing of Monday, February 23, 2004.

**CLASSIFICATION/REGULATION SUBCOMMITTEE:**

**It was moved and seconded to discontinue the C-19 and C-20 license reclassifications. MOTION CARRIED.**

**5. EXECUTIVE SESSION:**

**a. EXECUTIVE OFFICER'S PROGRESS REPORT:**

This matter was continued.

**b. DEPARTMENTAL REPORTS:**

**INVESTIGATIONS DEPARTMENTS:**

Ms. Grein provided the Board with a status report for the Compliance Investigations Unit and Special Investigations Unit. Ms. Grein advised that staff had implemented the modified Notice to Correct policy.

**LEGAL DEPARTMENT:**

An updated legal report was furnished to the Board.

**HUMAN RESOURCES DEPARTMENT:**

Ms. Grein stated that Human Resources would be meeting with a representative of the Public Employees Retirement System.

**PUBLIC RELATIONS:**

Ms. Grein advised the Board regarding a recent meeting with the National Association of Minority Contractors; plans to develop a small business assistance program; plans to develop an outreach program to address concerns of the senior citizen community becoming targets of fraudulent practices; and plans for the Business Enhancement Seminar for contractors scheduled for March 6, 2004.

**c. REVIEW AND DISCUSSION OF C-3 CLASSIFICATION:**

Ms. Mathias provided a draft to the Board regarding the C-3 license classification.

**d. REVISION OF SELECT POSITION SALARIES:**

It was moved and seconded to approve the revised salary structure. **MOTION CARRIED.**

**6. INFORMAL SETTLEMENTS:****a. I C CONTRACTORS, INC.,** LICENSE NOS. 32335, 40187, 51389

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500 and a Residential Recovery Fund fine of \$100 plus reimburse the Board for Investigative Costs of \$1,243 within 60 days. **MOTION CARRIED.** Mr. Scroggins abstained.

**b. UNLIMITED HOME IMPROVEMENT SPECIALISTS, INC.,** LICENSE NO. 34579

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500 and reimburse the Board for Investigative Costs of \$549 within 60 days. **MOTION CARRIED.** Mr. Scroggins abstained.

**c. J C P PLUMBING, INC.,** LICNESE NO. 37551A

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500 and reimburse the Board for Investigative Costs of \$377 within 30 days. A Warning Letter shall be placed in Respondent's license file. **MOTION CARRIED.** Mr. Scroggins abstained.

**d. E & R ELECTRIC, INC.,** LICENSE NO. 29892A

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500 and reimburse the Board for Investigative Costs of \$378 within 60 days. A Warning Letter shall be placed in Respondent's license file. **MOTION CARRIED.** Mr. Scroggins abstained.

**e. NEVADA CONTRACT CARPET, INC.,** LICENSE NOS. 27777, 40905

It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative fine of \$500 and reimburse the Board for Investigative Costs of \$443 within 30 days. A Warning Letter shall be placed in Respondent's license file. **MOTION CARRIED.** Mr. Scroggins abstained.

**7. PUBLIC COMMENT:**

No one from the general public was present to speak for or against any items on the agenda.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned by Chairman Schaefer at 9:39 a.m.

Respectfully Submitted,

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Melinda Mertz, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Randall Schaefer, Chairman

ADJUDICATING BOARD MEMBER: Michael Zech

**8. DISCIPLINARY HEARING:**

**NEVADA PLASTERING, INC.**, (CONTINUED FROM JANUARY 22, 2004)

Licensee was present.

Hearing Officer Zech continued this matter to the March 9, 2004 Reno Board Meeting.

**9. DISCIPLINARY HEARING AND FINANCIAL REVIEW HEARING:**

**FLOOR SPECIALIST, INC., dba SPECIALIZED FLOORING**, LICENSE NO. 44466A

Licensee was present with counsel, Keith Gregory.

Hearing Officer Zech dismissed the financial review portion of the complaint and found the respondent Floor Specialists, Inc., dba Specialized Flooring, license number 44466A, Ira M. Schwartz, President and Adam Israel Schwartz, Secretary guilty of the first, third and fourth causes of action and dismissed the second, fifth and sixth causes of action. License number 44466A, Floor Specialists, Inc., dba Specialized Flooring, was Revoked. Mr. Schwartz is required to reimburse the Board for Investigative Costs of \$2,004 prior to consideration of future licensure.

Respectfully Submitted,

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Melinda Mertz, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Michael Zech, Adjudicating Board Member

**ADJUDICATING BOARD MEMBER: Spiridon Filios**

**10. APPLICATION HEARING:**

**P.E.P. SYSTEMS INTERNATIONAL, INC.**

Licensee was present with counsel, Ann Vohl.

Hearing Officer Filios continued this matter to the March 23, 2004 Henderson Board Meeting.

**11. DISCIPLINARY HEARING:**

**MISCELLANEOUS SERVICES**, LICENSE NO. 45348

Licensee was present with counsel, Keith Gregory.

Hearing Officer Filios found the respondent Ronald Colin James, dba Miscellaneous Services, license number 45348 guilty of the first, third, fourth, sixth and seventh causes of action and dismissed the second, fifth and eighth causes of action. Mr. James was assessed a fine of \$300 per cause of action totaling \$1,500. Investigative Costs were assessed in the amount of \$2,408. Fines and costs are to be paid within 90 days from February 24, 2004 or license number 45348, Ronald Colin James, dba Miscellaneous Services will automatically be revoked. Mr. James is required to retest for the CMS. A Permanent Letter of Reprimand is to be placed in Mr. James license file.

**12. BRIEFS SUBMITTED FOR DECISION:** (HEARING ON DECEMBER 16, 2003)

**B M B ELECTRIC, LLC**, LICENSE NO. 55805

Keith Gregory, counsel for B M B Electric, LLC was present.

Mr. Gregory was informed that a written decision would be submitted within seven days.

**13. DISCIPLINARY HEARING:**

**ALL PRO CONCRETE**, LICENSE NO. 50784

Licensee was not present.

Hearing Officer Filios found the respondent Robert Amador Chavira, dba All Pro Concrete, license number 50784, guilty of all causes of action. License number 50784, Robert Amador Chavira, dba All Pro Concrete was Revoked. Mr. Chavira was assessed a fine of \$100 on the fourth cause of action. Mr. Chavira is required to pay full restitution to the damaged parties, pay the fine and reimburse the Board for Investigative Costs of \$2,397, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**14. DISCIPLINARY HEARING:**

**FOLIAGE UNLIMITED LANDSCAPING, LLC**, LICENSE NO. 51274

**DARYL BRYAN HANNA, dba VISIONSCAPES**, LICENSE NO. 42780

Licensee was present.

Hearing Officer Filios found the respondent Foliage Unlimited Landscaping, LLC, Vincent Pisciueneri, Member, guilty of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, and twenty first causes of action and dismissed the twentieth and twenty second causes of action. License number 51274, Foliage Unlimited Landscaping, LLC was Revoked.

**15. DISCIPLINARY HEARING:**

**LUCKIER ROOFING**, LICENSE NO. 50952

This matter was continued to March 23, 2004 Henderson Board Meeting.

**16. DISCIPLINARY HEARING:**

**21<sup>ST</sup> CENTURY ROOFING**, LICENSE NO. 44350

Licensee was present.

Hearing Officer Filios found the respondent Wayne Harvey Forster, dba 21<sup>st</sup> Century Roofing, license number 44350 guilty of the fourth, fifth, sixth, seventh, eighth and tenth causes of action and dismissed the first, second, third and ninth causes of action. License number 44350, Wayne Harvey Forster, dba 21<sup>st</sup> Century Roofing was Revoked. Mr. Harvey was assessed a fine of \$100 on the tenth cause of action. Mr. Harvey is required to pay full restitution to the damaged parties, pay the fine and reimburse the Board for Investigative Costs of \$2,278, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**17. DISCIPLINARY HEARING:**

**CAPITAL PACIFIC HOMES, INC.**, LICENSE NO. 21711

This matter was continued to March 23, 2004 Henderson Board Meeting.

**18. DISCIPLINARY HEARING:**

**D. R. HORTON, INC.**, LICENSE NO. 39179

Licensee was present.

Hearing Officer Filios continued this matter to the March 23, 2004 Henderson Board Meeting.

**19. DISCIPLINARY HEARING – DEFAULT ORDERS:**

**a. ENVIRONMENTAL LANDSCAPE DESIGN**, LICENSE NO. 44736

Hearing Officer Filios found respondent Environmental Landscape Design, Maxine D. Wise, President, license number 44736, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 44736, Environmental Landscape Design, was Revoked. Ms. Wise is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,673, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**b. PAVING STONE OF NEVADA, INC.**, LICENSE NO. 51002

Hearing Officer Filios found respondent Paving Stone of Nevada, Inc., Maurice Fernand Sigouin, President, license number 51002, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 51002, Paving Stone of Nevada, Inc., was Revoked. Mr. Sigouin is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,511, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**c. BUBBA BRICK COMPANY, LLC**, LICENSE NO. 52179

Hearing Officer Filios found respondent Bubba Brick Company, LLC, Stephen Max Angell, Manager, license number 52179, in Default and adopted the Findings of Fact and Conclusions of Law as set

forth in the Administrative complaint. License number 52179, Bubba Brick Company, LLC, was Revoked. Mr. Angell is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$2,604, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**d. GLASS SYSTEMS, INC.**, LICENSE NO. 24239

Hearing Officer Filios found respondent Glass Systems, Inc., James E. Beal, President, license number 24239, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 24239, Glass Systems, Inc., was Revoked. Mr. Beal is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,445, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

**20. ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Filios at 3:35 p.m.

Respectfully Submitted,

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Melinda Mertz, Recording Secretary

APPROVED:

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Margi Grein, Executive Officer

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Spiridon Filios, Adjudicating Board Member