

KENNY C. GUINN  
Governor

STATE OF NEVADA

REPLY TO:

**RENO**  
9670 Gateway Drive, Suite 100  
Reno, Nevada 89511  
(775) 688-1141  
Fax (775) 688-1271  
Investigations (775) 688-1150

**LAS VEGAS**  
4220 So. Maryland Parkway  
Building D, Suite 800  
Las Vegas, Nevada 89119  
(702) 486-1100  
Fax (702) 486-1190  
Investigations (702) 486-1110



**MEMBERS**

KIM W. GREGORY  
*Chairman*  
DOUGLAS W. CARSON  
MARGARET CAVIN  
JERRY HIGGINS  
DENNIS K. JOHNSON  
RANDY SCHAEFER  
MICHAEL ZECH

**STATE CONTRACTORS' BOARD**

**MINUTES OF THE MEETING  
APRIL 25, 2001**

The meeting of the State Contractors' Board was called to order by Acting Chairman Michael Zech at 8:20 a.m., Wednesday, April 25, 2001, State Contractors' Board, Las Vegas, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. Kim Gregory – Chairman – arrived 8:30 a.m. – departed 12:00 p.m.  
arrived 1:50 p.m. – departed 2:11 p.m.  
Mr. Mike Zech - Vice Chairman – departed 12:00 p.m.  
Mr. Douglas Carson  
Ms. Margaret Cavin  
Mr. Jerry Higgins  
Mr. Dennis Johnson  
Mr. Randy Schaefer  
Mr. Doug Carson – arrived 11:28 a.m.

**BOARD MEMBERS ABSENT:**

None

**STAFF MEMBERS PRESENT:**

Ms. Margi Grein, Executive Officer  
Mr. Dennis Haney, Legal Counsel (Haney, Woloson & Mullins)  
Mr. Robert Griffy, Legal Counsel (Haney, Woloson & Mullins)  
Mr. David Reese, Legal Counsel (Cook, Roberts & Reese)  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George Lyford, Director of Special Investigations Unit  
Mr. Rick Bertuzzi, Director of Investigations  
Mr. Bob Macke, Investigator, Supervisor  
Mr. Greg Mincheff, Investigator  
Mr. Ron Ramsey, Investigator  
Mr. Greg Welch, Investigator Supervisor  
Ms. Pat Potter, Supervisor, Licensing  
Ms. Doris Talley, License Analyst  
Ms. Susie Kiger, Legal Assistant  
Ms. Lisa Bedsole, License Analyst  
Mr. Jim Abel, Investigator  
Ms. Traci Greenlee  
Ms. Sonya Ruffin, Public Relations  
Mr. Bill Brandon, Recording Secretary  
Ms. Barbara Hennessy, Recording Secretary

**OTHERS PRESENT:**

Ms. Cari Inkenbrandt, Court Reporter, CSR Associates of Nevada; Mr. Steve Noonan, Owner, Noonan Builders; Mr. Paul R. Paolucci; Mr. Tracy Nye, President, Tramar, Inc.; Mr. Robert Fabel, Owner, Commercial Concrete; Mr. Jerry Zobrist, Counsel for Commercial Concrete; Mr. Peter Mensching, President, Themeing Solutions, Inc.; Mr. Larry Clarkson, President, L L Clarkson & Associates; Mr. Mike Palumbo, Owner, Excel Painting; Mr. Linc Palumbo; Mr. John McNicholas, Counsel for Excel Painting; Mr. Narviez Wesley, Owner, N W Masonry; Ms. Kathy Cole; Mr. Henry Broderick; Mr. Paul Henning, Management Resolution Consultants; Mr. Steve Shinn, Counsel for L.T.D. Builders; Mr. Louis DeSangro, Owner, L.T.D. Builders; Ms. Betty Miller; Mr. Bestari Gandha, Owner, Panda Refrigeration; Ms. Cynthia Trevino and Mr. Burt Galper, Classy Closets;

**LEGISLATIVE DISCUSSION**

Unfinished business April 24, 2001.

Mr. Haney provided clarification to the Board concerning the provisions of SB 216.

Ms. Grein informed the Board that she would be attending a legislative hearing concerning construction practices in Carson City on April 26, 2001.

**EXECUTIVE SESSION**

Unfinished business April 24, 2001

Ms. Grein informed the Board that applications for the Human Resources position had been received. The Board discussed the position's responsibilities, interviewing procedures and clarification to whom this position will report. Ms. Grein was told to begin the interviewing process.

Ms. Grein informed the Board that she would be attending the NASCLA meeting in Denver, Colorado next week.

Ms. Grein requested permission to purchase a portable projector to be used in Las Vegas and Reno. The Board agreed to the purchase of the projector.

**APPLICATION HEARING****NOONAN BUILDERS** - (B-2 – Residential & Small Commercial) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 2, 2001, consisting of pages 1-12, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received by the NSCB.

Mr. Steve Noonan, Owner, Noonan Builders and NSCB License Analyst Ms. Traci Greenlee were sworn in.

The hearing was for the denial of Respondent's application for a B-2 (Residential and Small Commercial) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Noonan informed the Board that he is not interested in applying for the license at this time.

Mr. Gregory informed Mr. Noonan that the license application will be withdrawn.

**PAUL R. PAOLUCCI** – (B-2 – Residential & Small Commercial) APPLICATION HEARING

The Notice of Hearing and Complaint, dated March 5, 2001, consisting of pages 1-10, was sent certified mail to the Respondent's as the address of record on file with the Board. The return receipt was received by the NSCB with no date.

The hearing was for the denial of Respondent's application for a B-2 (Residential and Small Commercial) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Paul Paolucci, Owner, Paul R. Paolucci and NSCB License Analyst Ms. MaryAnn Enbody were sworn in.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

Mr. Paolucci had no objection to keeping the hearing open to the public during the financial discussion.

Mr. Griffy stated that the staff was concerned with Mr. Paolucci's ability to demonstrate financial responsibility.

Ms. Enbody testified that Mr. Paolucci had not provided a new financial statement prior to the time of the hearing.

Mr. Gregory suggested that Mr. Paolucci consider other license options including a classification C-3 (Carpentry, maintenance and minor repair).

The Respondent's current financial statement was entered into the record as EXHIBIT A.

The Respondent's bank statement was entered into the record as EXHIBIT B.

**MR. SCHAEFER MOVED TO APPROVE PAUL R. PAOLUCCI; LICENSE CLASSIFICATION B-2 (RESIDENTIAL & COMMERCIAL) WITH A MONETARY LIMIT OF \$50,000 AND A \$5,000 BOND.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**TRAMAR, INC.** – (C-5 – Concrete Contracting) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 5, 2001, consisting of pages 1-29, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by the NSCB dated March 10, 2001.

Mr. Tracy Nye, President, Tramar, Inc. and NSCB License Analyst Ms. Traci Greenlee were sworn in.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

The hearing was for the denial of Respondent's application for a C-5 (Concrete Contracting) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Griffy stated that the staff had three concerns: first, misrepresentation of material fact; second, the character of the applicant; and third, the establishment of financial responsibility.

Ms. Greenlee testified that Mr. Nye had not provided a new financial statement.

Mr. Nye testified that he experienced financial difficulty as a subcontractor in California.

**MR. JOHNSON MOVED TO APPROVE TRAMAR, INC., LICENSE CLASSIFICATION C-5 (CONCRETE CONSTRUCTION) WITH A MONETARY LIMIT OF \$50,000 AND A BOND OF \$10,000.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**COMMERCIAL CONCRETE - DISCIPLINARY HEARING** (continued from April 23, 2001)

Mr. Robert Fabel, Owner, Commercial Concrete was sworn in. Also in attendance was Jerry Zobrist, Counsel, Commercial Concrete.

The Stipulation was signed and entered in the record as EXHIBIT 1.

Mr. Griffy stated Mr. Fabel appeared before the Board on April 24, 2001, to present additional evidence ordered by the District Court. The hearing was rescheduled to April 25, 2001 at 9:45 a.m. pending the receipt of the District Court's order.

Mr. Zobrist stated that they were here today to present information refuting the allegations brought forth by Mr. Segal at the March 21, 2001 Board hearing, as well as the comments made regarding Mr. Fabel in the Board's Findings of Fact.

Mr. Griffy clarified the facts of the case for the Board. He stated that the licensee is concerned with being removed as the Qualified Employee of Commercial Concrete Systems LLC, license #48567, as well as not being prepared to refute evidence by Mr. Segal at the time of the hearing.

Mr. Zobrist stated that Union officials approached Mr. Fabel in 1996 to bid on major concrete projects for hotel/casinos. Mr. Fabel joined the Nevada Contractors Association and became subject to the collective bargaining agreement with respect to three Unions: the carpenters, the laborers and the cement masons. Mr. Fabel was awarded the concrete work for the Star Trek Experience at the Las Vegas Hilton. Mr. Fabel did not receive \$600,000 for change orders on the project. The case went to litigation and Mr. Fabel settled two years later for \$.25 on the dollar.

Mr. Zobrist stated that Mr. Fabel opted to go back to commercial work as Commercial Concrete. At this time, the Union filed a lawsuit in Federal Court against Fabel Concrete, Commercial Concrete and Bob Fabel as well as his wife, Susan Fabel. As a result of this lawsuit, Mr. Fabel had to place Commercial Concrete into bankruptcy, which resulted in the six money owing complaints.

Mr. Zobrist stated that Mr. Fabel was only the Qualified Employee for Cochise Concrete, license #29566 and that there were no complaints filed against Cochise Concrete. The Board produced a complaint list regarding Cochise Concrete and the Respondent withdrew his testimony. Board records indicate that Mr. Fabel was Vice President of Cochise Concrete.

A letter from the NSCB addressed to the Respondent regarding Cochise Concrete was entered into the record as EXHIBIT A.

Mr. Zobrist then refuted the three complaints listed in the Findings of Facts filed at the time license #33575 was surrendered.

The Respondent's provided the District Court's Order, Contract Agreement, NSCB Minutes dated June 20, 2000 and the April 18<sup>th</sup> Notice of Hearing and Complaint, in the matter of Commercial Concrete, Fabel Concrete, Concrete Systems LLC were entered into the record as EXHIBIT B.

Mr. Fabel testified that his financial difficulties were the result of not being paid in a timely manner for the Star Trek Experience project. Mr. Fabel testified that he paid many of his vendors prior to filing bankruptcy.

Mr. Fabel is requesting that the Board amend the findings on his ability to be the Qualified Employee for Commercial Concrete LLC, license #48567.

Mr. Zech recused himself.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO AMEND THE DECISION AND ORDER, DELETING THE REQUIREMENT THAT MR. FABEL RESIGN AS THE QUALIFIED EMPLOYEE OF LICENSE #48567.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

#### **APPLICATION HEARING** – (continued)

#### **THEMEING SOLUTIONS, INC.** – (C-40 – Designed for Building Special Effects) **APPLICATION HEARING**

The Notice of Hearing & Complaint, dated March 19, 2001, consisting of pages 1-15, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by the NSCB dated March 20, 2001.

The hearing was for the denial of Respondent's application for a C-40 (Designed for Building Special Effects) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Peter Mensching, President, Themeing Solutions Inc. and NSCB License Analyst Ms. Maryann Enbody were sworn in.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered in the record as EXHIBIT 2.

**MS. CAVIN MOVED TO CLOSE THE MEETING TO THE PUBLIC IN ACCORDANCE WITH NRS 241.033 TO DISCUSS FINANCIAL MATTERS.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED UNANIMOUSLY.**

Ms. Enbody testified that there was concern regarding Respondent's financial condition.

Mr. Mensching submitted a new financial statement.

The Respondent's financial statement was entered into the record as EXHIBIT A.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO REOPEN THE MEETING TO THE PUBLIC.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. JOHNSON MOVED TO APPROVE THEMEING SOLUTIONS INC., LICENSE CLASSIFICATION C-40 (DESIGNATED FOR BUILDING SPECIAL EFFECTS) WITH A MONETARY LIMIT OF \$200,000 AND A BOND OF \$20,000 WITH A FINANCIAL STATEMENT ON RENEWAL.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**L L CLARKSON & ASSOC.** – (B-2 – Residential & Small Commercial) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 19, 2001, consisting of pages 1-28, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received by the NSCB.

The hearing was for the denial of Respondent's application for a B-2 (Residential and Small Commercial) license pursuant to NRS 624.263, failure to establish financial responsibility.

Mr. Larry L. Clarkson, President, L L Clarkson & Associates and NSCB License Analyst Ms. MaryAnn Enbody were sworn in.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

Ms. Enbody testified that there was concern regarding Mr. Clarkson's financial condition.

Mr. Clarkson had no objection to keep the meeting open while discussing financial information.

Mr. Clarkson testified that his finances were limited and that he has someone to indemnify his business predicated on obtaining a license. He is planning to perform small residential and small commercial projects, such as strip malls and tenant improvements.

Mr. Gregory suggested approving the license conditioned on \$25,000 working capital.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO APPROVE L L CLARKSON & ASSOCIATES, LICENSE CLASSIFICATION B-2 (RESIDENTIAL & SMALL COMMERCIAL) WITH A MONETARY LIMIT OF \$250,000 AND A BOND OF \$15,000 CONTINGENT UPON RESPONDENT PROVIDING EVIDENCE THAT HE HAS A MINIMUM OF \$25,000 WORKING CAPITAL AVAILABLE WITHIN 60 DAYS; A FINANCIAL STATEMENT WILL BE REQUIRED UPON RENEWAL.**

**MR. ZECH SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**EXCEL PAINTING** – (C-4 (A)(B)(E) Painting, Wallcovering and Drywall) APPLICATION HEARING

The Notice of Hearing & Complaint, dated March 19, 2001, consisting of pages 1-17, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by the NSCB without a delivery date.

Mr. Mike Palumbo, Owner, Excel Painting, Mr. Linc Palumbo, Excel Painting; NSCB Investigator Mr. Linc Dante and NSCB License Analyst Ms. MaryAnn Enbody were sworn in. Also in attendance was John McNicholas, Counsel, Excel Painting.

The hearing was for the denial of Respondent's application for a C-4 (a) (b) (e) (Painting; Wallcovering; Drywall) license pursuant to NRS 624.263, failure to establish financial responsibility and NRS 624.260 failure to demonstrate experience, knowledge and financial responsibility.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

Mr. Griffy stated that Mr. Palumbo held license #37587, in the State of Nevada between December 7, 1994 and January 1, 1998. Records revealed an unresolved complaint at the time of cancellation.

Ms. MaryAnn Enbody testified that a new financial statement had been received.

Mr. Linc Dante testified that he investigated the complaint filed by Mrs. Ianetti for malicious destruction of property and substandard workmanship. When Mr. Dante conducted an onsite investigation, the residence looked like it was vandalized. Mr. Dante testified that upon inspection there was paint overspray on the computer, cabinets and fixtures. A police report was filed against Mr. Palumbo, but the case was closed after the homeowner received reimbursement from her insurance company.

Mr. Palumbo testified that originally the homeowner had hired an unlicensed painter through the Nifty Nickel who oversprayed her home. Mr. Palumbo contracted with the homeowner to repaint the home without having a written contract outlining the previous paint problems.

The evidentiary portion of this hearing was closed.

**MR. ZECH MOVED TO APPROVE EXCEL PAINTING, LICENSE CLASSIFICATION C-4 (A)(B)(C) (PAINTING; WALLCOVERING; DRYWALL) WITH A MONETARY LIMIT OF \$10,000 AND A BOND OF \$5,000 WITH A FINANCIAL STATEMENT UPON RENEWAL.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DISCIPLINARY HEARING** – (continued)

**N W MASONRY, #45548** – DISCIPLINARY HEARING STAFF UPDATE (continued from March 20, 2001)

Mr. Griffy stated this is a staff update regarding the status of repairs. The hearing was continued for 60 days for corrective action to be taken.

Mr. Narvies Wesley, Owner, N.W. Masonry, Ms. Kathy Cole, NSCB Investigator Mr. Mike Perko and NSCB Investigation Supervisor Mr. Bob Macke were present.

Mr. Perko testified that after the last hearing, he and Mr. Macke completed an onsite inspection of the cracked driveway poured by Respondent. Mr. Perko issued a Notice to Correct on March 28, 2001. N W Masonry did not contact the homeowner until April 9, 2001.

Mrs. Cole testified that she hired a new contractor to finish the driveway for \$800 and she and Mr. Wesley are now trying to resolve the patio matter.

Mr. Wesley testified that there was miscommunication in arranging a meeting time, which resulted in the delay of correcting Mrs. Cole's driveway.

Mr. Wesley testified that he had an independent contractor, who holds a C-5 license, meet with Mrs. Cole concerning the patio repairs. Mrs. Cole instructed N W Masonry to delay the repairs on her patio until the other work in her backyard is completed.

**MR. JOHNSON MOVED TO CONTINUE THE MATTER FOR 30 DAYS FOR CORRECTIVE ACTION TO BE TAKEN.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DESERAE GENERAL CONTRACTOR, #36998** – DISCIPLINARY HEARING STAFF UPDATE (continued March 20, 2001)

Mr. Griffy stated this is a staff concerning the status of repairs to the Broderick residence.

Mr. Henry Broderick, Mr. Paul Henning, Management Resolution Consultants and NSCB Investigator Mr. Greg Mincheff were present.

Mr. Broderick testified that BBC Engineering sent a drilling rig to the house and drilled down to find a solid foundation at 15 feet. Mr. Broderick has now hired Mr. Paul Henning from Management Resolution Consultants to represent him in the Deserae matter.



Mr. Henning stated that he sent a letter to Deserae's attorney asking to coordinate activities so the Broderick's won't be disrupted during repairs. In response to this letter, Mr. Henning was informed that the matter will now be handled by Deserae's insurance company.

Mr. Mincheff testified that he spoke to Mr. Brown, Owner, Deserae General Contractor, on April 20, 2001 and was informed that the matter has been referred to his insurance company.

Mr. Lyford notified the Board that a second case against Deserae General Contractors was filed last week. At this time, the staff agrees that a summary suspension is in order.

**MR. JOHNSON MOVED THAT DESERAE GENERAL CONTRACTOR, LICENSE #36998; BE SUMMARILY SUSPENDED BASED UPON THE EVIDENCE IN ITS POSSESSION, THAT THE PUBLIC HEALTH, SAFETY OR WELFARE IS AT RISK.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

The Board requested Mr. Peter Brown, Owner, Deserae General Contractor to appear before them at the next meeting to take place on May 9, 2001.

**MR. CARSON MOVED TO RESCIND THE MOTION OF MARCH 20, 2001 CONTINUING THE MATTER IN 90 DAYS AND REQUIRED MR. PETER BROWN, OWNER, DESERAE GENERAL CONTRACTOR, LICENSE #36998 TO APPEAR BEFORE THE BOARD ON MAY 9, 2001.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**DEFAULT ORDERS**

**EMPIRE ELECTRIC, #39208A – DISCIPLINARY HEARING – DEFAULT ORDER**

The Notice of Complaint & Requirement to Answer & Complaint, dated February 23, 2001, consisting of pages 1-19, was sent certified mail to the Respondent at the address of record on file with the Board. The return receipt received by the NSCB without a date.

The Notice of Default, dated March 29, 2001, was sent certified to the Respondent at the address of record on file with the Board.

No one from Empire Electric was present.

The Complaint and Default Order was entered into the record as EXHIBIT 1.

**STOKES UNDERGROUND CONSULTING LLC, #43592 – DISCIPLINARY HEARING – DEFAULT ORDER**

The Notice of Complaint & Requirement to Answer & Complaint, dated February 28, 2001, consisting of pages 1-20, was sent certified mail to the Respondent at the address of record on file with the Board, as well as six other possible addresses. The return receipt was not received.

The Notice of Default, dated March 28, 2001, was sent certified to the Respondent at the address of record on file with the Board. The return receipt was not received.

No one from Stokes Underground Consulting LLC was present.

The Complaint and Default Order was entered into the record as EXHIBIT 1.

As no one was present for the default hearings, the following motion was acted upon.

**MR. CARSON MOVED TO ACCEPT THE FILES AS FINDINGS OF FACT, CONCLUSIONS OF LAW; FIND EMPIRE ELECTRIC, LICENSE #39208A AND STOKES UNDERGROUND CONSULTING LLC, LICENSE #43592 IN VIOLATION OF ALL CHARGES; AND TO REVOKE THE LICENSES.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO REQUIRE FULL RESTITUTION TO THE DAMAGED PARTIES, AND TO RECOVER THE RESPECTIVE INVESTIGATIVE COSTS PRIOR TO FUTURE LICENSURE.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

#### **DISCIPLINARY HEARING** – (continued)

#### **L.T.D. BUILDERS**, #33260 and #40324 – DISCIPLINARY HEARING

The Notice of Hearing and Complaint, dated February 28, 2001, consisting of pages 1-36, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was not received by the NSCB. The Notice of Hearing and Amended Complaint, dated March 26, 2001, was sent to the Respondents at the address of record on file with the Board. The return receipt was not received by the NSCB.

The hearing was for possible violations of NRS 624.3016 (1), any fraudulent or deceitful act committed in the capacity of a contractor; NRS 624.301 (1), abandonment without legal excuse of any construction project or operation engaged in or undertaken by the licensee as a contractor; NRS 624.3013 (5), failure to include the monetary limit placed on the license, as required by NAC 624.640 (5); NRS 624.3011 (1) (a), willful or prejudicial departure from or disregard of plans or specifications in any material respect without the consent of the owner or his authorized representative and the person entitled to have the particular construction project or operations completed in accordance with the plans and specifications; NRS 624.3013 (5).

Mr. Louis DeSangro, Owner, L.T.D. Builders, Ms. Betty Miller, Homeowner, NSCB Investigation Supervisor Mr. Bob Macke and NSCB Investigator Mr. Greg Mincheff were sworn in. Also in attendance was Steve Shinn, Counsel for L.T.D Builders.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

The Respondent's pre-hearing memorandum was entered into the record as EXHIBIT A.

Mrs. Miller testified she entered into a contract with LTD Builders to build a patio. Mrs. Miller paid \$6,200 as a down payment on the \$15,900 contract price. Mrs. Miller testified that she had no knowledge why Mr. DeSangro did not begin the project on the agreed date. After Mr. DeSangro did not show the second time, Mrs. Miller notified LTD Builders, in writing, of her intent to cancel the contract. Mrs. Miller testified that her money was never refunded. Mrs. Miller testified that she filed a small claims suit against LTD Builders for \$6,200 and was awarded the judgement.

Mr. Macke testified that he validated the complaint.

Mr. DeSangro testified that he did not return the \$6,200 because the Miller's had breached their contract with him.

The letter from the Respondent to the Miller's concerning a settlement was entered into the record as EXHIBIT B.

The letter from the Miller's to LTD Builders was provided, by the Respondent, and entered into the record as EXHIBIT C.

Mr. Macke testified that Respondent's monetary limit was not on the contract.

Mr. DeSangro testified that the job had been referred to him by Sylvan Pools. When he was told by Sylvan Pools that the job was ready, he sent his workers in to begin the patio and balcony only to find that Sylvan did not backfill the open trenches. Mr. DeSangro testified that he informed the Miller's he could not begin the patio until Sylvan Pools backfilled the trenches. Next, he received a phone call from Mr. Miller canceling the contract.

The evidentiary portion of the hearing was closed.

**MR. JOHNSON MOVED TO DISMISS THE FIRST CAUSE OF ACTION.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. CARSON MOVED TO DISMISS THE SECOND CAUSE OF ACTION.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO FIND LTD BUILDERS, LICENSE NOS. 33260 AND 40324, IN VIOLATION OF THE THIRD CAUSE OF ACTION.**

**MS. CAVIN SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO DISMISS THE FOURTH CAUSE OF ACTION.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO DISMISS THE FIFTH CAUSE OF ACTION.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**MR. SCHAEFER MOVED TO PLACE A LETTER OF REPRIMAND IN L.T.D. BUILDER'S, LICENSE NOS. 33260 AND 40324, FILE FOR ONE YEAR AND TO RECOVER THE INVESTIGATIVE COSTS OF \$3,124 TO BE PAID WITHIN 90 DAYS OR THE LICENSE WILL BE SUSPENDED.**

**MR. JOHNSON SECONDED THE MOTION.**

**THE MOTION CARRIED.**

### **PANDA REFRIGERATION, #26472 – DISCIPLINARY HEARING**

The Notice of Hearing & Complaint, dated February 23, 2001, consisting of pages 1-12, was sent certified mail to the Respondent's address of record on file with the Board. The return receipt was received by the NSCB dated March 1, 2001. The Notice of Hearing, dated March 26, 2001, was sent certified mail to the Respondents at the address of record on file with the Board. The return receipt was received by the NSCB dated March 30, 2001.

The hearing was for possible violations of NRS 624.3012 (2), willful or deliberate failure by any licensee or agent or officer thereof to pay any money when due for any materials or services rendered in connection with his operations as a contractor, when he has the capacity to pay or when he has received sufficient money therefor; NRS 624.3013 (3), failure to establish financial responsibility; NRS 624.3013 (4), failure to keep in force the bond or cash deposit pursuant to NRS 624-270 for the full period required by the board.

Mr. Bestari Gandha, Owner, Panda Refrigeration, Mr. Burt Galper, Classy Closets, Ms. Cynthia Trevino and NSCB License Analyst Lisa Bedsole were sworn in.

The Notice of Hearing and Complaint was entered into the record as EXHIBIT 1.

The Stipulation was signed and entered into the record as EXHIBIT 2.

Ms. Toni Trevino testified that she was speaking on behalf of her sister Mrs. Toni Gandha who was out of the country at this time. It was determined that Mrs. Gandha entered into a contract to have Classy Closets install office cabinets and closet systems in her home which doubled as an office for Panda Refrigeration. Mrs. Gandha issued two checks from the business account of Panda Refrigeration to Classy Closets totaling \$21,650.00.

Mr. Galper testified that both checks were returned for insufficient funds and he has turned the matter over to the District Attorney's office.

Mrs. Trevino testified that Mrs. Gandha originally ordered the closet system for her home and that it had no association with her business Panda Refrigeration. She then called Classy Closets and told them she had changed her mind and did not want the closets anymore.

Mr. Galper questioned why they were allowed to complete the contract and receive a check if Mrs. Gandha no longer wanted the closets and cabinets.

Mr. Gandha testified that he is responsible for paying Mr. Galper but that he cannot earn the money to pay him if his license is revoked. He would like to make arrangements to pay

Mr. Galper on a monthly basis so that he can keep his license. Mr. Griffy informed him that he would have to take this matter up with the District Attorney.

The Board agreed that they cannot renew the license until this issue is resolved.

**MR. CARSON MOVED TO CONTINUE THIS HEARING FOR 30 DAYS TO REVIEW THE SETTLEMENT OF THE MONEY OWING ISSUE BETWEEN PANDA REFRIGERATION, LICENSE #26472 AND CLASSY CLOSETS.**

**MR. SCHAEFER SECONDED THE MOTION.**

**THE MOTION CARRIED.**

**PUBLIC COMMENT**

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

**MR. CARSON MOVED TO ADJOURN.**

**MR. HIGGINS SECONDED THE MOTION.**

**THE MOTION CARRIED.**

There being no further business to come before the Board, the meeting was adjourned by Chairman Johnson at 2:50 p.m.

Respectfully Submitted,

Barbara Hennessy, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kim Gregory, Chairman

Michael Zech, Vice Chairman

Dennis Johnson