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Governor

STATE OF NEVADA

REPLY TO:

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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING  
JULY 22, 2003

**1. CALL TO ORDER**

Chairman Michael Zech called the meeting of the State Contractors Board to order at 8:36 a.m., Tuesday, July 22, 2003, State Contractors Board, Henderson, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Mr. Michael Zech - Chairman  
Mr. Douglas W. Carson  
Ms. Margaret Cavin  
Mr. David Clark  
Mr. Spiridon G. Filios  
Mr. Jerry Higgins  
Mr. Randy Schaefer

**BOARD MEMBERS ABSENT:**

None

**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

Ms. Grein stated that Jim Ables had posted the agenda in compliance with the open meeting law on July 16, 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.

It was learned there were 22 items on the amended agenda, each item of an emergency nature. Ms. Grein stated that the June 11, 2003 minutes posted for approval were for the Residential Recovery Fund meeting and did not require Board approval. Also, Item #16, Deznan Contractors, Inc. on the agenda had been granted a continuance. Mr. Carson would be taking the place of Mr. Clark as the Hearing Officer.

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

**b. UNFINISHED BUSINESS:**

This matter was continued.

**c. FUTURE AGENDAS:**

This matter was continued.

**2. APPROVAL OF MINUTES – JUNE 11, 2003, JULY 8, 2003:**

Chairman Zech called for a motion to approve the minutes of July 8, 2003.

**It was moved and seconded to approve the minutes of July 8, 2003. THE 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. THE MOTION CARRIED.**

**INDUSTRIAL PAINTWORKS, INC.,** (C-4 PAINTING AND DECORATING) NEW APPLICATION

Ms. Potter stated that staffs concern was the applicant's working capital.

Mr. Timothy Pritchett, President of Industrial Paintworks, Inc. was present. Mr. Pritchett informed the Board that he would be able to get a line of credit. The Board informed Mr. Pritchett that the application (C-4 Painting and Decorating) had been approved with a \$100,000 monetary limit and a bond of \$10,000 contingent upon evidence of availability of \$10,000 working capital to staff.

**THE LARSON COMPANY,** (A-22 DESIGNATED FOR ARTIFICIAL ROCK WORK AND B-2 RESIDENTIAL AND SMALL COMMERCIAL) NEW APPLICATIONS – RECONSIDERATION – NAME SIMILARITY

Ms. Potter stated that this application had been before the Board in March 2003 and was tabled for possible indemnification of the license and verification of a Florida contractors license. The Florida contractors license has been applied for but not issued. A new financial statement was furnished.

Mr. Andrew Messing, CEO of The Larson Company was present. The Board informed Mr. Messing that the license applications (A-22 Designated for Artificial Rock Work and B-2 Residential and Small Commercial) had been approved with a \$1 Million monetary limit and a \$30,000 bond, however, the company name must be changed because of a name similarity. Mr. Messing stated that he would change it to Larson USA.

**FOLIAGE UNLIMITED LANDSCAPING, LLC,** (C-10 LANDSCAPE CONTRACTING) RENEWAL OF EXPIRED LICENSE – OPEN COMPLAINTS – BOARD DECISION

Mr. Keith Gregory, attorney for Foliage Unlimited Landscaping, LLC was present. Mr. Gregory informed the Board that Darryl Hanna would be removed as the Qualified Employee. The Board informed Mr. Gregory that the license was renewed contingent upon replacing Mr. Hanna as the Qualified Employee.

**SONORA BROTHERS CONSTRUCTION, INC.,** (C-5 CONCRETE CONTRACTING) NEW APPLICATION – REQUESTING WAIVER OF EXAMS

Ms. Courtenay Peek, President of Sonora Brothers Construction, Inc. was present. The

Board informed Ms. Peek that the license application (C-5 Concrete Contracting) had been approved with a \$250,000 monetary limit and a bond of \$10,000, plus all of the exams were waived.

**TITANIUM METALS CORPORATION, (E-2 OWNER EXCEEDING 3 STORIES)  
ADDITIONAL QUALIFIER – REQUESTING WAIVER OF EXAMS**

Mr. Charles Thomas, Qualified Employee of Titanium Metals Corporation was present. The Board informed Mr. Thomas that the license application (E-2 Owner Exceeding 3 Stories) was approved and the request for waiver of the exams was granted.

**N Y FLOORING SERVICES, LLC, (C-16 FINISHING FLOORS; C-19 INSTALL TERAZZO & MARBLE; C20 TILING) NEW APPLICATIONS – REQUESTING WAIVER OF EXAMS – RECONSIDERATION**

Ms. Potter stated that the applicant was requesting reconsideration of the application and waiver of the exams. The applicant has failed the CMS exam three times.

Mr. Steven Bidnick, Manager of N Y Flooring Services, LLC was present. Mr. Bidnick informed the Board of his experience in the flooring business in New York. The Board informed Mr. Bidnick that the license applications (C-16 Finishing Floors; C-19 Install Terazzo & Marble; C-20 Tiling) had been approved with a \$100,000 monetary limit and a bond of \$10,000 conditioned upon passing the CMS exam within 90 days or the license would be suspended. The trade exam was waived for C-20 license application.

**J B DRYWALL, (C-40C, E, F, G TAPING & FINISHING; DRYWALL; SHEET METAL STUDS; ACOUSTICAL TILE) NEW APPLICATION**

Ms. Stewart stated staffs' concerns regarding the applicant's working capital and credit card debt.

Joel Burg, Owner of J B Drywall was present. Mr. Burg informed the Board that he would be doing small jobs. The Board informed Mr. Burg that the license application (C-4c, e, f, g) had been approved with a \$20,000 monetary limit and a bond of \$5,000 contingent upon indemnification of the license or proof of a minimum \$5,000 in working capital.

**HIGH DESERT PETROLEUM, INC., (A-12 EXCAVATE GRADE TRENCH SURFACE; A-22 DESIGNATED FOR TANK INSTALLATION & REMOVAL; REMEDIATION) RECONSIDER CLASSIFICATION – BOARD DECISION**

Ms. Potter stated that High Desert Petroleum, Inc. wants to install underground fuel system but the City of North Las Vegas would not give him a permit since their license did not include this type of work.

Mr. Sam Bailey, Secretary of High Desert Petroleum, Inc. and Ms. Kyra Hansen of High Desert Petroleum, Inc. were present. Mr. Bailey informed the Board that his company was installing the entire fuel system on projects. The Board informed Mr. Bailey that their A-22 classification would be broadened to include Petroleum Dispensing Systems.

The remainder of the applications on the agenda were reviewed and discussion occurred on the following: Nos. 1-15, 17-23, 25-29, 31-33, 36-38, 40-50, 54-61, 63-74, 76-80, 82-85, 145-157, 159-174, 178-182, 185-187; and on the amended agenda: Nos. 1-22

**It was moved and seconded to reopen the meeting to the public. THE MOTION CARRIED.**

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

**It was moved and seconded to ratify all application not specifically discussed in**

closed session as recommended by staff. **THE MOTION CARRIED.**

**4. FINANCIAL REVIEW HEARING:** (CONTINUED FROM JANUARY 28, 2003, APRIL 22, 2003, AND JUNE 17, 2003)

**FLOOR SPECIALISTS, INC., dba SPEC IALIZED FLOORING,** LICENSE NO. 44466A

Mr. Adam Schwartz, Secretary of Specialized Flooring, and Ms. Deb Clarke, Licensing Analyst were present. Mr. Keith Gregory, attorney for Specialized Flooring was present.

Mr. Robb stated this matter had been continued to allow the Licensee to provide proof of financial responsibility.

The meeting was closed to the public in accordance with NRS 241.030 to discuss financial matters.

Mr. Gregory furnished a financial statement to the Board and stated that the CPA had been unable to attend the meeting.

The meeting was reopened to the public.

**It was moved and seconded to continue this matter for 60 days to allow the Licensee the opportunity to resolve his personal bankruptcy. THE MOTION CARRIED.**

**5. SUBCOMMITTEE REPORTS:**

**RESIDENTIAL RECOVERY FUND SUB-COMMITTEE:**

Ms. Grein reported that at the June 11, 2003 meeting awards totaling \$101,244.64 were granted.

**6. EXECUTIVE SESSION:**

**c. DEPARTMENTAL REPORTS:**

**INVESTIGATIONS DEPARTMENT:**

Mr. Chris Denning, Deputy Director of Investigations, presented the aging report for the Las Vegas Compliance Investigations Department.

**f. ARCHITECTS BOARD RESPONSE TO PROPOSED CONSTRUCTION MANAGEMENT REGULATION:**

Ms. Grein reported that a letter had been received from the Architects Board requesting a copy of the latest revision to the proposed Construction Management regulation, however, Ms. Grein had not received the latest revision from the Engineers Board. A copy of the proposed regulation will be provided to the Architects Board as soon as it is received by the NSCB.

Mr. Higgins stated the Construction Management definition should be placed into a classification and included in the revised Blue Book.

The remaining items in the Executive Session were continued to the August 5, 2003 Reno Board Meeting.

**7. ADVISORY OPINION:****a. LAS VEGAS VALLEY WATER DISTRICT – RECONSIDERATION OF ADVISORY OPINION:**

**It was moved and seconded to grant the reconsideration request related to the Las Vegas Water District Advisory Opinion. THE MOTION CARRIED.**

The Las Vegas Water District had requested an Advisory Opinion regarding the license required to perform improvements at three separate well/reservoir sites.

Based upon the information provided, the Board opined that the work to be performed falls within the scope of the "A" (General Engineering) license as defined in NRS 624.215.

**8. INFORMAL SETTLEMENTS:****a. NEWSOM CONSTRUCTION, INC., LICENSE NOS. 14017, 31732**

**It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to reimburse the Board for Investigative Costs of \$474 within 60 days. THE MOTION CARRIED. Mr. Filios abstained.**

**b. TOUCAN POOLS, LICENSE NOS. 45732, 40278**

**It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative Fine of \$1,000 and reimburse the Board for Investigative Costs of \$868 within 60 days. All completed contracts are to be reviewed by Investigator Welch for the next six (6) months. THE MOTION CARRIED. Mr. Filios abstained.**

**c. N W MASONRY, LICENSE NO. 45548**

**It was moved and seconded to accept the Stipulated Settlement Agreement. The Respondent is to pay an Administrative Fine of \$2,000 and a Residential Recovery Fund Fine of \$100 plus reimburse the Board for Investigative Costs of \$645 within 60 days. THE MOTION CARRIED. Mr. Filios abstained.**

**It was moved and seconded to adopt a new Stipulated Settlement Agreement form to be used by the Enforcement Advisory Committee. THE MOTION CARRIED.**

**9. SUMMARY SUSPENSION:****VISIONSCAPES, LICENSE NO. 42780**

Investigator Jim Ables and Chris Denning, Deputy Director of Investigations were sworn in. Mr. Keith Gregory, attorney for Visionscapes was present.

Mr. Denning informed the Board that Visionscapes, license number 42780 is currently active, however, Mr. Daryl Hanna, Owner of Visionscapes is also the Qualified Employee for Foliage Unlimited, license number 51274 which was suspended for non renewal on June 1, 2003. There are currently 22 open complaints, fourteen money owing and eight workmanship. The workmanship complaints were all received since June 9, 2003 and are not being addressed. A requested financial statement has not been furnished. Mr. Denning requested the Board summarily suspend Visionscapes, license number 42780 for the public health, safety and welfare in compliance with NRS 624.291(4).

Mr. Gregory informed the Board that Visionscapes is no longer doing business and the owners do not object to the suspension of the license.

**It was moved and seconded to summarily suspend license number 42780, Visionscapes (C-10 Landscaping), based on the public health, safety and welfare. THE MOTION CARRIED.**

**10. DISCIPLINARY HEARING** (CONTINUED FROM OCTOBER 1, 2002, OCTOBER 22, 2002, NOVEMBER 6, 2002, DECEMBER 4, 2002, JANUARY 7, 2003, JANUARY 28, 2003, FEBRUARY 11, 2003, MARCH 11, 2003, APRIL 8, 2003, MAY 6, 2003, JUNE 3, 2003, JUNE 17, 2003 AND JULY 8, 2003)

**SIERRASAGE, LLC**, LICENSE NO. 52571

Ms. Margi Grein, Investigator Gary Hoid and Craig Hamilton, Vice President of SierraSage, LLC were present.

Ms. Grein informed the Board that the license bond of SierraSage had been reinstated, in full force with no lapse in coverage. She received a copy of the fund control, updated accounts payable registers and a bank statement of SierraSage accounts from May 30, 2003 through July 18, 2003.

Investigator Hoid reported on the progress of the open workmanship and money owing complaints. D and D Overhead Doors was expecting payment last week and Pinnacle Drywall had been paid. The liens against the Pughs residence have not been released. Investigator Hoid stated that SierraSage informed Ms. Sedano that she would be able to move into her home by August 15, 2003.

Ms. Grein stated that there would be a status update at the August 5, 2003 Reno Board meeting and final disciplinary action would take place at the August 19, 2003 Board meeting in Henderson.

**11. 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 Zech at 11:32 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Chairman

**ADJUDICATING BOARD MEMBER: MICHAEL ZECH****12. DISCIPLINARY HEARING:** (CONTINUED FROM JUNE 17, 2003)

**S & S LANDSCAPING, INC.**, LICENSE NOS. 30099A, 39326A, 39327A AND  
**S & S LANDSCAPE**, LICENSE NO. 44717

Steven E. Hare, President of S & S Landscaping, Inc. and S & S Landscape; James Heisig, Homeowner; Jack Brooks, Homeowner; and Investigator Greg Welch were present. Michael Sanft, attorney for S & S Landscaping, Inc. was present.

Mr. Robb stated that the Respondent had been given thirty days to settle the Heisig matter and that final discipline would be imposed today.

Mr. Hare stated that he had scheduled appointments with licensed contractors who had inspected the Heisig project and several bids were obtained. Mr. Hare further stated that he had presented a settlement agreement to Mr. Heisig yesterday, in an attempt to resolve this matter.

Mr. Heisig informed Hearing Officer Zech that he had reviewed the offer but was rejecting it.

**Hearing Officer Zech found S & S Landscaping, Inc., license numbers 30099A, 39326A and 39327A and S & S Landscape, license number 44717 guilty of all causes of action. A one-year Letter of Reprimand will be placed in Mr. Hare's license files on the Fifth, Sixth, Seventh and Eighth causes of action. S & S Landscaping, Inc. and S & S Landscape were assessed a \$1,000 fine for each of the first four causes of action for a total of \$4,000. Investigative Costs were assessed in the amount of \$3,097. Fines and costs are to be paid within 180 days.**

**13. DISCIPLINARY HEARING (STAFF UPDATE):** CONTINUED FROM JUNE 17, 2003

**SUN SHINE FLOOR WINDOW & DESIGN GALLERY**, LICENSE NOS. 49900, 49902 AND  
**BEST INSTALLATION TILE & MARBLE, INC.**, LICENSE NOS. 51435, 51436

Manouchehr Dezfooli, President of Sun Shine Floor Window & Design Gallery and Best Installation Tile & Marble, Inc.; Andrew Rebotis, Manager of Sun Shine Floor Window & Design Gallery; and Investigator Greg Welch were present.

Investigator Welch stated that Ms. Jennifer Abrams, the homeowner's attorney had informed him that an agreement had been reached except for who would be responsible for the cost of moving the furniture.

Mr. Rebotis informed Hearing Officer Zech that they had agreed to replace the Pergo flooring at the Haydon residence and to replace the upstairs carpet, however, the cost of moving the furniture should not be their responsibility.

Hearing Officer Zech requested that the Respondent do what is necessary to complete the project before the next Board meeting.

This matter was continued for final discipline at the next Las Vegas meeting on August 19, 2003.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Michael Zech, Adjudicating Board Member



**ADJUCIDATING BOARD MEMBER: MARGARET CAVIN****14. DISCIPLINARY HEARING:****MESA MECHANICAL, INC., LICENSE NO. 10339A**

Mr. William Seifman, President of Mesa Mechanical, Inc.; Investigator Greg Welch; and Chris Denning, Deputy Director of Investigations.

The hearing was for possible violation of NRS 624.3015(1).

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

Mr. Robb informed Hearing Officer Cavin that the Respondent had stated in his answer to the complaint that it is permissible for his license classification to perform heating, cooling and circulation of air in the system used at the Cannery Casino.

Investigator Welch testified that he had ascertained that the licensee held a C-1 license and that he had obtained an Advisory Opinion in December of 1999 regarding the license classification required to install packaged roof top units.

Mr. Seifman testified that the Advisory Opinion was for a different type of air conditioning unit from the one installed at the Cannery Casino. The unit installed at the casino is driven by chilled and heated water. He stated that he had installed the cooling tower and chiller.

The evidentiary portion of the hearing was closed.

**Hearing Officer Cavin found Mesa Mechanical, Inc., license number 10339A, guilty. A Permanent Letter of Reprimand will be placed in Mesa Mechanical, Inc. license file. Investigative Costs were assessed in the amount of \$1,094.**

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Margaret Cavin, Adjudicating Board Member

**ADJUDICATING BOARD MEMBER: DOUGLAS CARSON****15. DISCIPLINARY HEARING – DEFAULT ORDERS:****a. PERRYS CONCRETE**, LICENSE NO. 43449

No one from Perrys Concrete was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3012(2); NRS 624.3012(2); NRS 624.3013(3); NRS 624.3015(2); NRS 624.3012(3); NRS 624.3012(3); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(4); NRS 624.302(5); and NRS 624.3013(5), as set forth in NAC 624.640(3).

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

**Hearing Officer Carson found respondent Mark Anthony Perry, dba Perrys Concrete, license number 43449, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 43449, Perrys Concrete, was Revoked. Mr. Perry is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$3,498, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.**

**b. ENCOMPASS ELECTRICAL TECHNOLOGIES OF NEVADA, INC.**, LICENSE NO. 51697

No one from Encompass Electrical Technologies of Nevada, Inc. was present.

The hearing was for possible violation of NRS 624.305(1); NRS 624.3013(5), as set forth in NAC 624.650(1); NRS 624.3014(2)(a)(b)(c); NRS 624.3014(3); and NRS 624.3013(3).

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

**Hearing Officer Carson found respondent Encompass Electrical Technologies of Nevada, Inc., Dick Pendleton, President, license number 51697, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 51697, Encompass Electrical Technologies of Nevada, Inc., was Revoked. Mr. Pendleton is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,598, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.**

**c. A ACOOLCO**, LICENSE NO. 39939

No one from A Acoolco 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 624.3011(1)(b)(1); NRS 624.302(5); NRS 624.3013(5), as set forth in NRS 624.520(1); and NRS 624.3013(4).

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

**Hearing Officer Carson found respondent Robert Wayne Kuhn, dba A Acoolco, license number 39939, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 39939, A Acoolco, was Revoked. Mr. Kuhn is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,418, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of**

future licensure.

**d. QUANAH CONCRETE, INC.**, LICENSE NO. 42537

No one from Quana Concrete, Inc. was present.

The hearing was for possible violation of NRS 624.3013(3); NRS 624.302(5); NRS 624.3013(4); NRS 624.3013(5), as set forth in NAC 624.640(3).

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

**Hearing Officer Carson found respondent Quana Concrete, Inc., Leslie Lee Swain, President, license number 42537, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 42537, Quana Concrete, Inc., was Revoked. Ms. Swain is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,151, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.**

**e. EMPIRE ROOFING**, LICENSE NO. 33573

No one from Empire Roofing was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3013(3); NRS 624.3012(3); NRS 624.302(5); NRS 624.3013(5), as set forth in NAC 624.640(3); and NRS 624.3013(4).

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

**Hearing Officer Carson found respondent Empire Roofing, Peter Cicchetti, President, license number 33573, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 33573, Empire Roofing, was Revoked. Mr. Cicchetti is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,345, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.**

**f. NASTASI WEST, INC.**, LICENSE NO. 43885

No one from Nastasi West, Inc. was present.

The hearing was for possible violation of NRS 624.3012(2); NRS 624.3013(3); NRS 624.3013(5), as set forth in NAC 624.640(3); NRS 624.3013(4); and NRS 624.302(5).

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

**Hearing Officer Carson found respondent Nastasi West, Inc., Thomas Nastasi III, President, license number 43885, in Default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. License number 43885, Nastasi West, Inc., was Revoked. Mr. Nastasi is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$1,211, plus any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.**

**16. DISCIPLINARY HEARING:**

**ARON INVESTMENTS, LLC , dba DESIGNER CARPET & FLOORING**, LICENSE NOS. 46006, 46007, 46008

Mr. Hillel Aronson, Member of Designer Carpet & Flooring; Ms. Susan Aronson, Member of Designer Carpet & Flooring; Ms. Deborah Bramble, Homeowner; Mr. Donald Premru, Homeowner; Mr. Glen Premru; and Investigator Ron Ramsey were sworn in.

The hearing was for possible violation of NRS 624.301(1); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.3013(5), as set forth in NAC 624.700(3); NRS 624.3017(1); NRS 624.3017(1); NRS 624.3013(5), as set forth in NAC 624.640(5); NRS 624.3013(5), as set forth in NRS 624.520(1); NRS 624.3013(3); NRS 624.3013(4); NRS 624.302(5); NRS 624.3013(5), as set forth in NAC 624.640(3); and NRS 624.3018(2).

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

Investigator Ramsey testified that he had verified the Tully contract with the Respondent for the installation of tile flooring for a total contract price of \$5,449.99, of which the Tullys have paid \$2,500. When the Respondent was last on the project approximately 40% was completed. A Notice to Correct was issued to which Respondent has not complied.

Ms. Bramble testified that she had contracted with the Respondent for the installation of tile flooring for a total contract price of \$8,544 which has been paid in full. She further testified that the tile grout had different colors and approximately 30% to 40% of the tile flooring was lifted.

Investigator Ramsey testified that he had validated the Bramble workmanship issues and issued a Notice to Correct to which Respondent has not complied. A financial statement had been requested but none was furnished.

Mr. Premru testified that he had contracted with Respondent for the installation of tile flooring at his residence for a total contract price of \$7,985, which he has paid in full. Mr. Premru further testified that the Respondent had agreed to replace the flooring, but did not follow through with this agreement.

Investigator Ramsey testified that he had validated the Premru workmanship issues and issued a Notice to Correct to which Respondent has not complied. Investigator Ramsey further testified that Respondent failed to notify the Board of his change of address.

Jim Lane and Jim Brunk of Dal Tile testified concerning the Tully complaint stating the tile work was approximately 70% complete when they were at the residence. Both stated that they were there to investigate the tile shading and that the Tullys were informed that some tiles would be replaced.

Richard Sitton, a former employee of Designer Carpet & Flooring testified that he had inspected the workmanship issues at the Tully residence. Mr. Sitton further testified that the project was approximately 65% complete when he did his inspection.

Ms. Aronson testified that Designer Carpet had installed the carpeting and 70% to 80% of the tile before the Tullys dismissed them from the project.

Mr. Aronson testified that the company was having financial difficulties the end of 2001 and beginning of 2002 and finally closed their doors in April of 2002. He stated that he had contacted the Board after receiving the notices to appear for meetings to let them know he would not be attending. He further stated that he could not get a CPA to sign off on his financial statement and that he did not notify the Board of his change of address.

The evidentiary portion of the meeting was closed.

**Hearing Officer Carson found Aron Investments, LLC, dba Designer Carpet &**

Flooring, license numbers 46006, 46007, 46008, guilty of the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth causes of action and dismissed the First and Second causes of action. License numbers 46006, 46007, 46008, Aron Investments, LLC, dba Designer Carpet & Flooring are Revoked. Designer Carpet & Flooring was assessed a fine of \$200 per cause for a total of \$2,200 and Investigative Costs of \$2,733. Hillel Aronson and Susan Aronson are required to pay full restitution to the damaged parties plus fines and Investigative Costs and any expenses that may be paid out of the Residential Recovery Fund prior to consideration of future licensure.

#### **17. DISCIPLINARY HEARING:**

##### **BLUE DESIGN**, LICENSE NO. 50827

Mr. Wayne Blue, Owner of Blue Design; Ms. Karen Bartholomew, Homeowner; Ms. Curtis Cornelius, Homeowner; and Investigator Dan Hammack were sworn in. Mr. Steve Morris, attorney for Blue Design was present.

The hearing was for possible violation of NRS 624.3015(2); NRS 624.3015(3); NRS 624.3015(3); NRS 624.3014(2)(a)(b); NRS 624.3013(5), as set forth in NAC 624.640(6).

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

Investigator Hammack testified that he had investigated the Bartholomew and Cornelius contract with the Respondent and upon doing a record search of the Board's database found that the contract was in excess of the Respondent's license limit. Investigator Hammack further testified that Respondent contracted with two unlicensed contractors on this project. David Rumpf performed stucco work and Kirk Bothwell performed drywall work.

Ms. Bartholomew testified that she had entered into a contract with the Respondent for the construction of a single-family residence for a total contract price of \$444,000. She further testified that the Respondent had hired Rumpf and Bothwell to perform work on the project.

A copy of a proposal from David Rumpf to Curtis Cornelius for the stucco work on his residence was entered into the record as Exhibit #2.

Mr. Blue testified that he had entered into a contract with Bartholomew and Cornelius for the construction of a single-family residence for a total contract price of \$364,000. He further testified that the agreement with David Rumpf was between the homeowners and Rumpf. Rumpf was a former employee and had performed some of the work on the project prior to being let go. Mr. Blue stated that he had contracted with Bothwell but had assumed that he was licensed as Bothwell had been in the business for over 20 years.

The evidentiary portion of the hearing was closed.

**Hearing Officer Carson found Wayne Blue, dba Blue Design guilty of the First, Third, Fourth and Fifth causes of action and dismissed the Second cause of action. A one-year Letter of Reprimand is to be placed in Blue Designs license file. Mr. Blue was assessed a fine of \$250 for the First cause of action and \$500 each for the Third, Fourth and Fifth causes of action for a total fine of \$1,750. Mr. Blue is to reimburse the Board for Investigative Costs of \$1,594. Fines and costs are to be paid within 90 days and may be paid in three (3) equal payments.**

**18. ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Adjudicating Board Member Carson at 3:46 p.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Douglas Carson, Adjudicating Board Member