

KENNY C. GUINN  
Governor

## STATE OF NEVADA



REPLY TO:

**LAS VEGAS**  
2310 Corporate Circle  
Suite 200  
Henderson, Nevada 89074  
(702) 486-1100  
Fax (702) 486-1190  
Investigations (702) 486-1110

[www.nscb.state.nv.us](http://www.nscb.state.nv.us)

**RENO**  
9670 Gateway Drive, Suite 100  
Reno, Nevada 89521  
(775) 688-1141  
Fax (775) 688-1271  
Investigations (775) 688-1150

**MEMBERS**  
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Vice Chair  
DAVID W. CLARK  
SPIRIDON FILIOS  
JERRY HIGGINS  
J. BRIAN SCROGGINS  
MICHAEL ZECH

## STATE CONTRACTORS BOARD

### MINUTES OF THE MEETING AUGUST 10, 2004

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

Vice Chairman Margaret Cavin called the meeting of the State Contractors Board to order at 8:15a.m., Tuesday, August 10, 2004, State Contractors Board, Reno and Henderson, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

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

Ms. Margaret Cavin  
Mr. David Clark  
Mr. Spiridon G. Filios  
Mr. Jerry Higgins  
Mr. Michael Zech

#### **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  
Mr. Daniel Hammack, Chief of Enforcement

#### **BOARD MEMBERS ABSENT:**

Mr. Randy Schaefer – Chairman  
Mr. J. Brian Scroggins

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

Bruce Robb, Esq., Legal Counsel  
Laura Browning, Esq., Legal Counsel

It was moved and seconded to amend the agenda, adding applications 1 -27 and continuing the Holmes Construction Company, Inc. hearing. **MOTION CARRIED.**

#### **2. APPROVAL OF MINUTES: July 20, 2004.**

It was moved and seconded to approve the minutes of July 20, 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.**

A C E CONSTRUCTION, (B-2 RESIDENTIAL & SMALL COMMERCIAL) BROADENING OF CLASSIFICATION

Applicant was present.

**It was moved and seconded to approve the broadening application. MOTION CARRIED.**

BI STATE PROPANE, (C-38 EQUIPMENT USED FOR LIQUIFIED PETROLEUM & NATURAL GAS) NEW APPLICATION

Applicant was present.

**It was moved and seconded to approve the license application. MOTION CARRIED.**

M W B BUILDING CONTRACTORS INC., (C-3 CARPENTRY) NEW APPLICATION, NAME SIMILARITY

Applicant was present.

**It was moved and seconded to approve the application. MOTION CARRIED.**

PAUL KALETA, (B-3 SPECULATIVE BUILDING) NEW APPLICATION

Applicant was present.

**It was moved and seconded to approve the license application. MOTION CARRIED.**

MASTER CONSTRUCTION SERVICE, INC., (C-3 CARPENTRY) NEW APPLICATION

Applicant was present.

**It was moved and seconded to approve the license application. MOTION CARRIED.**

CABLING SOLUTIONS, INC., (C-2E SIGNAL SYSTEMS) ONE TIME RAISE IN LIMIT

Applicant was present.

**It was moved and seconded to approve the one time raise in limit application. MOTION CARRIED.**

TEMPERATURE CONTROL SERVICES, (C-21D MAINTENANCE) 12 MONTH EXTENSION

Applicant was present.

**It was moved and seconded to deny licensee's request for an extension of time to pass the trade exam. MOTION CARRIED.**

MASTERPIECE BUILDERS, LLC., (B-2 RESIDENTIAL & SMALL COMMERCIAL) NEW APPLICATION, NAME SIMILARITY

Applicant was present.

**It was moved and seconded to approve the license application (B-2 Residential and Small Commercial) with a \$1,000,000.00 monetary limit and a bond of \$30,000.00 contingent upon the receipt of correct corporate indemnification and applicant must change name. MOTION CARRIED.**

The Board reviewed the remainder of the applications on the agenda.

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

**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. SUMMARY SUSPENSIONS:**

**C D S CONSTRUCTION DEFECT SPECIALISTS, LLC, LICENSE NO. 56662**

Mr. Lyford provided a summary of the investigation against Sandy T. Onofre, Manager, C D S Construction Defect Specialists, LLC., license number 56662.

It was moved and seconded to summarily suspend the license in the interest of public health and safety. MOTION CARRIED.

**O M C BUILDER, LICENSE NO. 54173**

Mr. Lyford provided a summary of the investigation against Sandy T. Onofre, Owner of O M C Builder, license number 54173.

It was moved and seconded to summarily suspend the license in the interest of public health and safety. MOTION CARRIED.

**5. SUBCOMMITTEE REPORTS:**

**RECOVERY FUND SUBCOMMITTEE:**

Ms. Grein and Mr. Lyford provided a status report of the Residential Recovery Fund and a summary of the claims filed against Curtis Construction to date.

**6. EXECUTIVE SESSION:**

**a. DISCUSSION AND ADOPTION OF LCB FILE NO. R123-04 REGARDING CHANGES TO THE C-2 ELECTRICAL CLASSIFICATION:**

It was moved and seconded to adopt as a final regulation, LCB File No. R123-04 as modified. MOTION CARRIED.

**b. DISCUSSION OF PROPOSED AMENDMENT TO NAC 624.603 TO ASSESS COSTS OF REVIEWING REPORTS ASSOCIATED WITH CONDITIONAL LICENSES:**

It was moved and seconded to accept the proposed language and to move forward with a workshop and Public Hearings for the proposed changes of NAC 624.603. MOTION CARRIED.

**c. DISCUSSION AND UPDATE REGARDING 2005 LEGISLATION:**

Ms. Grein reported on the status of the Board's Bill Draft requests.

**d. REVIEW AND DISCUSSION OF FINDING OF FACT, CONCLUSIONS OF LAW AND ORDER FROM DISTRICT COURT JUDGE GLASS:**

The Board reviewed the Order from District Court Judge Jackie Glass and directed staff to add questions involving live water features to the C-10 and A-10 trade test.

**DEPARTMENTAL REPORTS:**

**INVESTIGATIONS:**

Mr. Lyford provided a status report of new programs for the Investigations Department.

**LICENSING:**

Ms. Mathias provided an update of the New Application Orientation taking place in Reno, Nevada on August 19, 2004.

**EDUCATION:**

Ms. Grein will provide an update at the Henderson Board Meeting on August 24, 2004.

**7. CONTINUED DISCIPLINARY HEARING: Continued from April 6, 2004**

**HOLMES CONSTRUCTION COMPANY, INC., LICENSE NO. 28706**

This matter was continued.

**8. NEW APPLICATION DENIAL:**

**TIMER CONSTRUCTION ROOFING**

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**It was moved and seconded to approve the license application (C-15 (a) Roofing) with a monetary limit of \$20,000.00 and bond of \$5,000.00 contingent upon applicant passing the Management and Trade exams. MOTION CARRIED.**

**9. NEW APPLICATION DENIAL:**

**JADE PROPERTIES**

Applicant was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**It was moved and seconded to deny Respondent's request for a continuance and to deny the license application. MOTION CARRIED.**

**10. NEW APPLICATION DENIAL:**

**5<sup>th</sup> GENERATION LATH & PLASTER, INC.**

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

It was moved and seconded to approve the license application (C-17 (a)(b)(e) Lathing; Plastering; Coatings of Stucco and Cement) on a probationary status with a monetary limit of \$25,000.00 and bond of \$10,000.00 conditional upon applicant providing monthly reports. Applicant must reimburse the Board for all costs it incurs monitoring the licensee during the probation period. MOTION CARRIED.

**11. NEW APPLICATION DENIAL:**

**DESERT SANDS DEVELOPING**

Applicant was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following respondent Exhibits were entered:

Exhibit A – Letter from James C. Euler, LCSW of the Yerington Community Mental Health Clinic

Exhibit B - Letters from Respondent's ex-wife, Stacey Weimer

It was moved and seconded to approve the license application (A-7, 9, 12, 15, 19 Excavate/Grade; Piers and Foundations; Excavate/Grade/Trench/Surface; Sewers/Drains/Pipes; Pipeline and Conduits) with a monetary limit of \$50,000.00 and bond of \$15,000.00 with a financial statement upon renewal in 2005. MOTION CARRIED.

**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 Vice Chairman Cavin at 10:12 a.m.

Respectfully Submitted,

\_\_\_\_\_  
Traci Greenlee, Recording Secretary

APPROVED:

\_\_\_\_\_  
Margi Grein, Executive Officer

\_\_\_\_\_  
Margaret Cavin, Vice Chairman

**ADJUDICATING BOARD MEMBER: MARGARET CAVIN**

**12. DISCIPLINARY HEARING:** Continued from June 8, 2004

**FIORI CORPORATION,** LICENSE NOS. 20135 AND 20720

Licensee was present with counsel, Mr. Briggs, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Transcript of testimony from the June 8, 2004 Board Hearing.

Exhibit 3 – The Decision and Order related to the June 8, 2004 Board Hearing.

The following Respondent Exhibits were entered:

Exhibit A – Financial statement compiled as of June 30, 2004.

This matter was continued to allow Mr. Fiori the opportunity to complete the repairs on the Lent residence and to provide a personal financial statement and indemnification agreement.

**Hearing Officer Cavin found respondent Fiori Corporation, Dean R. Fiori, President, license numbers 20135 and 20720 guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(5), per NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary limit on contracts. Mr. Fiori was assessed a fine of \$250.00 for the First, Second, Third and Fourth Causes of Action for a total fine of \$1,000.00. Investigative Costs will be assessed after a final investigation of the cost for materials to repair the homeowner's roof. Fines and costs are to be paid within 120 from August 10, 2004 or license numbers 20135 and 20720, Fiori Corporation will automatically be Revoked. Investigator Leonard was directed by the Hearing Officer to measure Ms. Lent's roof for the amount of sheeting required, get an estimate on the cost of sheeting from August of 2003 and provide the information to Mr. Fiori and Ms. Lent. Mr. Fiori is to make repairs to the homeowner's roof and have the roof inspected by the City of Reno within 30 days from August 11, 2004 or license numbers 20135 and 20720, Fiori Corporation will automatically be Revoked. The Nevada State Contractors Board will be conducting a business review 60 days from August 10, 2004 to ensure Fiori Corporation, license numbers 20135 and 20720 are in compliance with the Boards Statutes.**

**13. DISCIPLINARY HEARING:** Continued from June 8, 2004

**JESS ARNDELL CONSTRUCTION COMPANY, INC.,** LICENSE NOS. 9369B AND 9369C

Applicant was present with counsel, Mr. Mark Simmons, Esq.

This matter was continued to allow the Mr. Arndell the opportunity to make the repairs at the Stokely residence and to provide a current financial statement by 5:00 p.m. on August 11, 2004.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

**Hearing Officer Cavin dismissed the First, Second, Third and Forth Causes of Action. Mr. Arndell is to provide a current financial statement prepared by a Certified Public Accountant by close of business August 11, 2004. If a financial statement is not provided this matter will be brought back before the Board for appropriate disciplinary action.**

**14. DISCIPLINARY HEARING – DEFAULT ORDER:****S & S ROOFING SERVICES**, LICENSE NO. 41123

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Cavin found Respondent Jeremy James Stores, dba S & S Roofing Services, license number 41123, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Stores was found guilty of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), per NAC 624.700(3)(a) failure to comply with Notice to Correct; NRS 624.3011(1)(a) disregard of plans or specifications; NRS 624.3015(2) bidding over license limit; NRS 624.3013(5), per NAC 624.640(5) failure to include license number and monetary license limit on contracts; NRS 624.3013(3) failure to establish financial responsibility. License number 41123, S & S Roofing Services was Revoked. Mr. Stores is required to pay full restitution to the damaged parties and reimburse the Board for Investigative Costs of \$2,499.00 and any expenses that may be paid out of the Residential Recovery Fund.

**ADJUDICATING BOARD MEMBER: JERRY HIGGINS**

**15. DISCIPLINARY HEARING:** Continued from June 8, 2004**GENERAL BUILDERS, INC., AMERICAN GENERAL DEVELOPMENT, LICENSE NO. 22816**  
**GENERAL BUILDERS, INC., SILVER STATE POOLS, LICENSE NO. 22816A**

Licensee was present with Counsel, David Reese, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 4 - Subpoena from the Board to American General dated June 30, 2004.

Exhibit 5 - Copy of plans stamped by the City of Reno.

Exhibit 6 - Brochures from Southwest Town homes.

The following Respondent Exhibits were entered:

Exhibit A – Sub contract between American General Development and Steel Engineers Inc.

Exhibit B – Documents prepared by Respondents Counsel on behalf of General Builders Inc. as follows:

- NSCB letter dated 05/20/04 to Mark Shuey
- Agreement between Washoe Properties Inc. and American General Inc. dated 04/02/01
- Building Permit #LDP01-0118 for 515 Warren Court dated 09/19/01
- Office Memo dated 10/24/01 from Washoe Properties Inc.
- Three (3) copies of floor plans for Southwest Townhomes
- Options List for Southwest Townhomes
- Specification Sheet for stackable washers/dryers from Kenmore
- Purchase Agreement between Laslovitch and Ferrari-Lund Real Estate

Exhibit C – Letter from Steve Elizer to Don W. Barton at the Clark County Department of Real Property Management dated December 16, 2003.

Exhibit D – Documents from Respondents Counsel as follows:

- Letter from Capital Insurance Co. dated 02/03/04
- Letter to John Sieben from Construction Consulting and Disbursement Services dated 02/17/04
- Conditional Lien release on Laughlin Pool Project dated 09/02/03
- Letter from Construction Consulting and Disbursement Services to Mr. Reese dated 06/21/04
- Assignment and Release Agreement on bond dated 07/23/04
- Assignment and Release Partial on bond from Steel Engineers, Inc. dated 05/24/04

Exhibit E – Contract and documents regarding Tand Inc.

Exhibit F – Respondents financial information.

**Hearing Officer Higgins ordered Counsel, Ms. Laura Browning, Esq., and Counsel, Mr. David Reese, Esq. to submit briefs by August 30, 2004. Reply to briefs is due September 10, 2004. The Hearing Officer will provide a written Decision and Order.**

**16. DISCIPLINARY HEARING:** Continued from July 7, 2004

**HAMLIN DEVELOPMENT CO., INC., LICENSE NOS. 47827 AND 47827A**

Licensee was present with counsels, Mr. James Leslie, Esq. and Mr. Robert Dodson, Esq.

This matter was continued on the First, Second and Third Causes of Action.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondents Exhibits were entered:

Exhibit A - Letter from Mr. Dickey to Bruce Robb dated August 10, 2004.

Exhibit B - Letter from Joy Oberholtzer dated August 5, 2004.

Exhibit C- - Letter from Richard Randour dated August 5, 2004.

**Hearing Officer Higgins found respondent Hamlin Development Co., Inc., James Francis Hamlin, President, license numbers 47827 and 47827A guilty of NRS 624.3013(5), per NAC 700(3)(a) failure to comply with Notice to Correct; NRS 3015(2) bidding over the limit; NRS 624.3015(5), per NAC 624.640(5) failure to include license number and monetary limit on contract; NRS 624.600(1)(a)(b)(2)(3)(a)(b) failure to provide the required disclosures; NRS 624.3014(2)(a)(b) aiding and abetting an unlicensed person; NRS 624.3013(5), per NAC 624.640(6) failure to ascertain that each person whose bid on a construction project the licensee considers is appropriately licensed; NRS 624.3013(3) failure to establish financial responsibility. Mr. Hamlin was assed a fine of \$250.00 for the Second, Forth, Sixth, Seventh, Eighth, Ninth and Tenth Causes of Action for a total fine of \$1,750.00. The First, Third and Fifth Causes of Action were dismissed. Investigative Costs were assessed in the amount of \$5,961.00. Fines and Costs are to be paid within 90 days from August 10, 2004 or license numbers 47827 and 47827A Hamlin Development Co., Inc. will automatically be Suspended.**