

Jim Gibbons  
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD  
MINUTES OF THE MEETING  
October 10, 2007

REPLY TO:

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

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

**CALL TO ORDER:**

Hearing Officer Margaret Cavin called the meeting of the State Contractors Board to order at 9:02 a.m., Wednesday October 10, 2007 State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**BOARD MEMBERS PRESENT:**

Ms. Margaret Cavin  
Mr. Jerry Higgins

**STAFF MEMBERS PRESENT:**

Mr. George J. Lyford, Director of Investigations  
Mr. Gary Hoid, Deputy Director of Investigations

**LEGAL COUNSEL PRESENT:**

Mr. David Brown, Esq., Legal Counsel  
Mr. Bruce Robb, Esq., Legal Counsel

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on September 27, 2007 at Reno City Hall, Washoe County Court House and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

**ADJUDICATING BOARD MEMBER: JERRY HIGGINS**

**1. CONTINUED DISCIPLINARY HEARING (Continued from August 8, 2007):**

**HERBST STATION REPAIR, LICENSE NO. 13211A**

Licensee was present.

Exhibit 5 – Settlement agreement dated October 9, 2007

Hearing Officer Higgins found George Lauren Herbst President of Herbst Station Repair, license number 13211A guilty of violating NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.3013(5), as set forth in NAC 624.640(5) each licensee shall include in all bids he submits or contracts he enters into for construction work within this State, the number of his license and any monetary limit placed upon his license. Mr. Herbst was ordered to pay a fine of \$2,000.00 for the First Cause of Action; \$1,000.00 each for the Second and Third Causes of Action for a total fine of \$4,000.00; and assessed investigative costs in the amount of \$3,680.00. The Fourth Cause of Action is dismissed. Fines and costs to be paid within 60 days of October 10, 2007 or license number 13211A will be automatically suspended.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Jerry Higgins, Hearing Officer

**ADJUDICATING BOARD MEMBER: MARGARET CAVIN**

**2. DISCIPLINARY HEARING:**

**ATLAS CURB & CONCRETE, INC., LICENSE NO. 57800**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Exhibit 2 – Signed Settlement agreement dated October 1, 2007

**Hearing Officer Cavin dismissed the complaint against Todd Thompson President of Atlas Curb & Concrete, license Number 57800.**

**3. DISCIPLINARY HEARING:**

**3 N 1 CONSTRUCTION, INC., LICENSE NO. 56782**

Licensee was present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

**Hearing Officer Cavin found Respondent Donald Charles Morgado President of 3 N 1 Construction, Inc., license number 56782 guilty of violating NRS 624.3012(2) failure to pay for materials and services; NRS 624.3016(1) fraudulent or deceitful act; NRS 624.3013(3) failure to establish financial responsibility. License number 56782 is suspended. A Letter of Reprimand will be placed in the file for the First, Second and Third Causes of Action. Licensee was ordered to pay Tahoe Truss \$4,820.43 within 10 days of the October 10, 2007 hearing and assessed investigative costs of \$1,924.00 to be paid within 180 days of the October 10, 2007 hearing. If Respondent fails to comply with either condition, license number 56782 shall be revoked.**

**4. DISCIPLINARY HEARING:**

**DREAM CREATIONS, dba D C BUILDERS, LICENSE NOS. 56978 AND 60032**

Licensee was present with Mark Gunderson, Esq. and Catherine Reichenberg, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A – Pages 1 – 574, see table of contents

Exhibit B – Pages 575 – 959, see table of contents

Exhibit C – Affidavit of Christopher L. McMillan

Exhibit D – Affidavit of James Proctor, CPA

Exhibit E – Affidavit of Brett Byram

Exhibit F – Affidavit of William Falk

Exhibit G – Affidavit of Harry Weiner

Exhibit H – Financial Statement

Exhibit I – Letter dated July 18, 2007 from Mark Gunderson, Esq.

**Hearing Officer Cavin found Respondent Gary Roy Lehrer President of Dream Creations, dba D C Builders, license numbers 56978 and 60032 guilty of violating NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another and NRS 624.3011(1)(a) disregard of plans and specifications. Mr. Lehrer was ordered to pay a fine of \$5,000.00 each for the First and Third Causes of Action for a total fine of \$10,000.00; assessed investigative costs in the amount of \$1,956.00. The Second and Fourth Causes of Action were dismissed. Fines and costs shall be paid within 90 days of October 10, 2007 or license numbers 56978 and 60032 will be automatically revoked. License number 56978 (B-2 Residential & Small Commercial) is suspended for a period of two years, license number 60032 (C-3 Carpentry) shall remain active, however, licensee was ordered to subcontract with a licensed general contractor for any work performed under the C-3 license, license number 60032.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Cavin at 12:20 p.m.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

\_\_\_\_\_  
Margi A. Grein, Executive Officer

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Margaret Cavin, Chair