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STATE OF NEVADA



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING
December 13, 2006

CALL TO ORDER:

Hearing Officer King called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, December 13, 2006, 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. Bruce King
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

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

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on December 7, 2006, at Las Vegas City Hall, Sawyer State Building and Clark 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:

1. DISCIPLINARY HEARING:

FLOOR SEASON, INC., LICENSE NO. 54529

Licensee was present with counsel, Charles Pollock, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

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Hearing Officer King ordered the Respondent to comply with the settlement agreement with Voggenthaler whereby Respondent shall make restitution to Voggenthaler in the amount of \$30,000.00, payable in five monthly payments with fifth payment due April 5, 2007. If Respondent fails to timely pay any installment payment, license number 54529, Floor Seasons, Inc. shall be suspended. The disciplinary portion of this matter shall be continued until after final payment has been made to Voggenthaler.

2. DISCIPLINARY HEARING:**JEFFREY LANDSON STROMBERG., dba RELIABLE BUILDERS,** LICENSE NO. 58009

Licensee was present with counsel, Charles Pollock, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Correspondence from Linda Young regarding settlement payment.

Exhibit 3 – Fax from Joe Armendariz regarding settlement agreement dated December 1, 2006.

Exhibit 4 – Cost sheet regarding Swallow project.

Exhibit 5 – Eleven photos taken by Swallow of their project.

The following Licensee Exhibits were entered:

Exhibit A – A bid from Ultimate Concrete Resurfacing Systems on the Swallow residence.

Hearing Officer King found Respondent Jeffrey Landson Stromberg, dba Reliable Builders, license number 58009, guilty of Two (2) violations of NRS 624.3017(1) substandard workmanship; Two (2) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; Two (2) violations of NRS 624.301(4), failure to prosecute a construction project with reasonable diligence; One (1) violation of NRS 624.301(2), Abandonment of construction project when percentage completed is less than percentage of total contract paid; One (1) violation of NRS 624.3011(1)(b)(1) disregard of building laws of State; One (1) violation of NRS 624.3013(2), misrepresentation of a material fact; Two (2) violations of NRS 624.302(6), failure to comply with a written request by the Board. The Third, Eighth, Ninth, Tenth, Thirteenth, Sixteenth and Eighteenth Causes of Actions were dismissed. Respondent was assessed a fine of \$1,000.00 each for the First, Second, Fourth, Fifth, Sixth and Seventh Causes of Action and a fine of \$500.00 each for the Eleventh, Twelfth, Fourteenth, Fifteenth and Seventeenth Causes of Action for total fines due of \$8,500.00. The Board's investigative costs were assessed in the amount of \$3,726.00. Fines and costs are to be paid within thirty (30) days of the December 13, 2006 Board Hearing or license number 58009, Jeffrey Landson Stromberg, dba Reliable Builders will be revoked.

3. DISCIPLINARY HEARING:**ADVANCED ARCHITECTURAL METALS, INC.,** LICENSE NOS. 45072, 56031

Licensee was not present, but was represented by counsel, John McNicholas, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Supplemental documentation.

License numbers 45072 and 56031, Advanced Architectural Metals, Inc. are surrendered and this matter is continued for sixty (60) days.

4. DISCIPLINARY HEARING:**STEEL SPECIALITIES UNLIMITED, INC.,** LICENSE NOS. 58596, 58657

Licensee was present with counsel, John McNicholas, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Supplemental documents.

The following Licensee Exhibits were entered:

Exhibit A – Accumulative documents to include copies of Answer to the Board's Complaint, and letters and proposals.

Hearing Officer King found Respondent Steel Specialties Unlimited, Inc., Susanne Kennard, President, license numbers 58596 and 58657, guilty of violation of NRS 624.3013(5), as set forth in NRS 624.302(1)(a) Contracting or submitting a bid if license has been suspended or revoked. The First, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Causes of Action were agreed to be dismissed as part of a settlement agreement between the Board and the Respondent. Respondent was assessed a fine of \$1,000.00 for the Second Cause of Action. The Board's investigative costs were assessed in the amount of \$1,477.00. Fines and costs are to be paid within 30 days of the December 13, 2006 Board Hearing or license numbers 58596 and 58657, Steel Specialties Unlimited, Inc. shall be Suspended. The Respondent shall provide a current reviewed financial statement prepared by a certified public accountant that supports the license limit within sixty (60) days of the December 13, 2006 Board Hearing or license numbers 58596 and 58657, Steel Specialties Unlimited, Inc. shall be Suspended. Paragraph 27 is deleted from the Board's Complaint and the word twice in Paragraph 30 of the Board's Complaint shall be changed to once. The Respondent shall dismiss its case against the Board pending in District Court, Department 15. Steel Specialties Unlimited, Inc. may not allow Dr. Lori Irish to be involved in the activities of Steel Specialties Unlimited, Inc.

5. DISCIPLINARY HEARING – DEFAULT ORDERS:

JAMES CHRISTIAN KILGORE, dba D. J. K. MASONRY: LICENSE NO. 50812

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent James Christian Kilgore, dba C. J. K. Masonry, license number 50812, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Kilgore was found guilty of Two (2) violations of NRS 624.3017(1) substandard workmanship; Two (2) violations NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; NRS 624.302(5) failure to respond to written request by Board; Two (2) violations of NRS 624.3015(2), contracting with an unlicensed contractor; Two (2) violations of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include license number and monetary license limit on contracts; Two (2) violations of NRS 624.3013(5), as set forth in 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3013(3) failure to establish financial responsibility; and NRS 624.302(6) failure to comply with a written request by the Board. License number 50812, James Christian Kilgore, dba C. J. K Masonry was Revoked. Mr. Kilgore is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$2,138.00 and any expenses that may be paid out of the Residential Recovery Fund.

PATRICK THOMAS LYNCH, dba LYNCH'S FLOOR DESIGNS MADE EASY, LICENSE NO. 57550

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Patrick Thomas Lynch, dba Lynch's Floor Designs Made Easy, license number 57550, in default and adopted the Findings of Fact and Conclusions of Law as

set forth in the Administrative complaint. Mr. Lynch was found guilty of violation of NRS 624.3014(2)(a)(b)(c)(d), misuse of license; NRS 624.305(1) and (2), unlawful use, assignment or transfer of license; NRS 624.302(2), failure to comply with a written citation; NRS 624.3013(3), failure to establish financial responsibility. License number 57550, Patrick Thomas Lynch, dba Lynch's Floor Designs Made Easy was Revoked. Mr. Lynch is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,519.00 and any expenses that may be paid out of the Residential Recovery Fund.

7. DISCIPLINARY HEARING – DEFAULT ORDERS:

FRENCH CONTRACTING COMPANY: LICENSE NO. 7320

Licensee was present.

This matter was continued to January 30, 2007.

6. DISCIPLINARY HEARING – DEFAULT ORDERS:

WHITAKER ENTERPRISES, INC., LICENSE NOS. 31695A and 32078A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Whitaker Enterprises, Inc., Matt Vernis Whitaker, President, license numbers 31695A and 32078A in default and adopted and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Whitaker was found guilty of Three (3) violations of NRS 624.3017(1) substandard workmanship; Three (3) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with the Boards Notice to Correct; Three (3) violations of NRS 624.3014(2) (a), (b) and (c); Two (2) violations of NRS 3011(1)(b)(1) willful disregard of the building laws of the State; Three (3) violations of NRS 624.3016(5), as set forth in NRS 624.935(3) and NAC 624.6966 (3) if payment is made contractor shall furnish the owner with the mechanic's lien for that portion of the work that has been paid; NRS 624.3016(5), as set forth in NRS 624.930(2)(i) and NAC 624.6958(2)(j) any additional work under the contract, requires the owner to pay additional money; NRS 624.305(1) unlawful use, assignment or transfer of license; NRS 3013(5), as set forth in NAC 624.650(1) licensee shall not permit his contracting business to be operated by an unlicensed person. License numbers 31695A and 32078A, Whitaker Enterprises, Inc., were Revoked. Mr. Whitaker is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$2,776.00 and any expenses that may be paid out of the Residential Recovery Fund.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer King 1:40 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Bruce King, Hearing Officer