

JIM GIBBONS
Governor

STATE OF NEVADA



MEMBERS

Kevin E. Burke, Chairman
Donald L. Drake
Michael Efstratis
John C. Ellison
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING April 21, 2010

REPLY TO:

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CALL TO ORDER:

Hearing Officer Hodgson called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, April 21, 2010, 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. Nathaniel Hodgson, Hearing Officer
Mr. Donald L. Drake, Board Member
Mr. Stephen Quinn, Board Member

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Jonathan Andrews, Esq., Legal Counsel
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on April 15, 2010, 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: NATHANIEL HODGSON

1. DISCIPLINARY HEARING:

MODERN TECH DEVELOPMENT, License No. 69453

SUN Q. SONG, dba SUN CITY GENERAL CONTRACTING, License No. 63112

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent Sun Q. Song's correspondence to the Board dated January 19, 2010.

Exhibit B – Respondent Sun Q. Song’s correspondence to the Board dated March 21, 2010.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent for Modern Tech Development was assessed a fine of \$500.00 and investigative costs of \$1,321.00. Fines and costs are due within ninety (90) days of the April 21, 2010 Board Hearing. License number 69453, Modern Tech Development, Inc. was revoked. Respondent for Sun City General Contracting was ordered to provide a current financial statement that supports the license limit within ninety (90) days of the April 21, 2010 Board Hearing or license number 63112, Sun Q. Song, dba Sun City General Contracting shall be suspended.

2. DISCIPLINARY HEARING:

REDNENNE, LLC, License No. 69392

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility, no fine was assessed. Respondent is ordered to pay investigative cost of \$1,135.00 within thirty (30) days of the April 21, 2010 Board Hearing or license number 69392, Rednenne, LLC shall be suspended.

3. DISCIPLINARY HEARING: (Stipulated Revocation)

a. EMBASSY GLASS, INC., License No. 35273

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – Respondent’s correspondence to the Board dated March 11, 2010 stipulating to the revocation.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board’s Notice to Correct; one (1) violation of 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 the license and any monetary limit placed upon his license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$500.00 each for the Second and Fourth Causes of Action; a fine of \$250.00 for the Third Cause of Action, for total fines of \$2,250.00 and investigative costs of \$2,077.00. License number 35273, Embassy Glass, Inc. was revoked. Respondent was ordered to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

b. BRIAN HAI KUVEKE, dba ADVANCED AIR CONDITIONING, License No. 60623

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – Respondent's correspondence to the Board dated March 16, 2010 stipulating to the revocation.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 724.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; one violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$250.00 for the First Cause of Action; a fine of \$1,000.00 for the Second Cause of Action; a fine of \$500.00 each for the Third, Fourth and Fifth Causes of Action, for total fines of \$2,750.00 and investigative costs of \$1,869.00. License number 60623, Brian Hai Kuveke, dba Advanced Air Conditioning was revoked. Respondent was ordered to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

c. M. J. DITTO POOL CONTRACTOR, INC., dba EXOTIC POOL CREATIONS, License No. 52165

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – Respondent's correspondence to the Board, dated February 17, 2010 stipulating to the revocation.

Exhibit 3 – Respondent's counsel, Scott Chapman, Esq.'s correspondence, dated April 20, 2010, stating the final terms of stipulation.

Hearing Officer Hodgson found Respondent guilty of four (4) violations of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.301(1) abandonment of construction project; three (3) violations of NRS 624.3016(5), as set forth in NRS 624.940(2)(k); any contract in the amount of more than \$1,000 must contain in writing at least the following information: (k) except as otherwise provided in this subsection, the dollar amount of payment and stage of construction, schedule of payments must not provide the contractor to receive payments in excess of 100 percent of the value of work performed, excluding finance charges, except for down payment or deposit; three (3) violations of NRS 624.3016(5), as set forth in NRS 624.965(1) a violation of any provision of NRS 624.900 to 624.965 with respect to contracts for work concerning a residential pool or spa; one (1) violation of NRS 624.3012(2) willful failure to pay any money when due for materials or service; 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; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine \$250.00 each for the Second, Fourth, Fifth, Sixth, Tenth, Eleventh, Twelfth, Fifteenth, Sixteenth and Seventeenth Causes of Action; a fine of \$750.00 for the Third Cause of Action; a fine of \$500.00 each for the Seventh and Eighteenth Causes of Action; a fine of \$500.00 each for the Eighth, Ninth, Thirteenth and Fourteenth Causes of Action, for total fines of \$6,250.00 and investigative costs of \$3,544.00. The First Cause of Action was dismissed. License number 52165, M. J. Ditto Pool Contractor, Inc., dba Exotic Pool Creations was revoked. Respondent was ordered to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

d. POWERCOM, INC., dba ELECTRICAL SOLUTIONS, License No. 58035

(Continued from December 16, 2008 and February 24, 2010)

POWERCOM, INC., dba POWERCOM, INC., License Nos. 56515, 59927

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing file.

Exhibit 2 – Respondent's counsel, John P. Aldrich, Esq.'s correspondence to the Board dated March 26, 2010.

Exhibit 3 – Respondent's counsel, John P. Aldrich, Esq.'s correspondence to the Board dated April 20, 2010.

Hearing Officer Hodgson found Respondent guilty of one (1) violation of NRS 624.302(5); failure to respond to a written request from the Board; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$250.00 and investigative costs of \$4,991.00. The First, Second, Fourth and Fifth Causes of Action were dismissed. License number 58035, Powercom, Inc., dba Electrical Solutions and license numbers 56515 and 59927, Powercom, Inc., dba Powercom, Inc. were revoked. Respondent was ordered to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

4. DISCIPLINARY HEARING – DEFAULT ORDERS

a. CHRISTOPHER ANDREW BAKER, dba PARAMOUNT CONSTRUCTION, License Nos. 67148, 67687

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Respondent's correspondence to the Board dated April 16, 2010 stipulating to the revocation of his license.

Hearing Officer Hodgson found Respondent Christopher Andrew Baker, dba Paramount Construction, license numbers 67148 and 67687, Christopher Andrew Baker, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Baker was found guilty of one (1) violation of NRS 624.3012(3) failure to obtain the discharge or release of any lien recorded against the property; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$1,000.00 for the First Cause of Action; a fine of \$500.00 for the Second Cause of Action for total fines of \$1,500.00 and investigative costs in the amount of \$1,436.00. License numbers 67148 and 67687 were revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

b. FLOW COR, INC., License No. 53751

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Flow Cor, Inc., license number 53751, Chad M. Hess, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Baker was found guilty of one (1) violation of NRS 624.3013 failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs in the amount of \$1,425.00. License number 53751 was revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

c. ICEBERG MECHANICAL, LLC, dba TRI FORCE MECHANICAL, License No. 56287

ICEBERG MECHANICAL, LLC, dba TRI FORCE MECHANICAL, License No. 56431

ICEBERG MECHANICAL, LLC, dba TRI FORCE MECHANICAL, License No. 57378

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Iceberg Mechanical, LLC, dba Tri Force Mechanical, license numbers 56287, 56431 and 57378, Charlie Douglas Goessman, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Goessman was found guilty of one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 each for the First and Second Causes of Action for total fines of \$1,000.00 and investigative costs in the amount of \$1,301.00. License numbers 56287, 56431 and 57378 were revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

d. CLEANWORLD PLUMBING, LLC, License Nos. 72384 and 73350

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Cleanworld Plumbing, LLC, license numbers 72384 and 73350, Blane Edward Karn, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Karn was found guilty of one (1) violation of NRS 624.3017(1) substandard workmanship; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; one (1) violation of NRS 624.302(5) failure to comply with a written request by the Board; one (1) violation of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. Respondent was assessed a fine of \$500.00 each for the First, Second, Sixth and Seventh Causes of Action; a fine of \$250.00 each for the Third, Fourth and Fifth Causes of Action for total fines of \$2,750.00 and investigative costs in the amount of \$1,403.00. License numbers 72384 and 73350

were revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

e. A. M. DEVELOPMENT, LLC, License No. 68082

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

This matter was continued for thirty (30) days.

f. EVERGREEN CONSTRUCTION, LLC, License No. 68263

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Evergreen Construction, LLC, license number 68263, Padhraig Joseph Hehir, Managing Member and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Hehir was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a fine of \$500.00 and investigative costs in the amount of \$1,546.000. License number 68263 was revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

g. GOAL LINE CORPORATION, dba B & B LANDSCAPING, License No. 38275A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Hodgson found Respondent Goal Line Corporation, dba B & B Landscaping, license number 38275A, Robert Barrera, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Barrera was found guilty of one (1) violation of NRS 624.3013 failure to establish financial responsibility; one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a fine of \$500.00 each for the First and Second Causes of Action for total fines of \$1,000.00 and investigative costs in the amount of \$1,757.00. License number 38275A was revoked. Respondent is ordered to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Hodgson at 9:45 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Nathaniel Hodgson, Hearing Officer