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STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
NOVEMBER 8, 2006**

MEMBERS
RANDALL SCHAEFER
Chairman
MARGARET CAVIN
Vice Chair
DAVID W. CLARK
SPIRIDON FILIOS
JERRY HIGGINS
WILLIAM "BRUCE" KING
GUY M. WELLS

CALL TO ORDER:

Hearing Officer Filios called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, November 8, 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. Randy Schaefer, Chairman
Mr. Spiridon Filios
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

Mr. George Lyford, Director of Investigations
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

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

Mr. Lyford stated the agenda was posted in compliance with the open meeting law on November 1, 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: SPIRIDON FILIOS

1. DISCIPLINARY HEARING: (Continued from August 2, 2006)

ARTISTIC POOL/SPA, INC., LICENSE NO. 24446

Licensee was present with counsel, Robert Nersesian, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued to January 30, 2007.

2. DISCIPLINARY HEARING: (Continued from August 2, 2006)

P.N.I.I., INC., dba PULTE HOMES OF NEVADA, LICENSE NO. 48129

Licensee was not present but was represented by counsel, David Lee, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – A Cumulative Exhibit:

A letter from David Lee, Esq. to Scott and Brittany Santos dated October 31, 2006.

A letter from Scott and Brittany Santos to David Lee, Esq. dated November 2, 2006. A letter from David Lee, Esq. to Scott and Brittany Santos dated November 6, 2006.

Hearing Officer Filios found Respondent P.N.I.I., Inc., dba Pulte Homes of Nevada, Matthew W. Koart, President, license number 48129 guilty of violation of NRS 624.3017(1) substandard workmanship and NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner. The Second, Fourth and Fifth Causes of Action were dismissed. Respondent was assessed fines of \$3,000.00 for the First and Third Causes of Action. The investigative costs were assessed in the amount of \$6,067.00. Fines and costs are to be paid within thirty (30) days of the November 8, 2006 Board Hearing or license number 48129, P.N.I.I., Inc., dba Pulte Homes of Nevada will be Suspended. A Letter of Reprimand shall be placed in Respondent's license file for violation of NRS 624.3017(1) and NRS 624.3013(5), as set forth in NRS 624.520(1).

3. DISCIPLINARY HEARING: (Continued from March 22, 2006)

SUMMIT DRYWALL & PAINT, LLC, License No. 54669

BRANDON LIMITED LIABILITY COMPANY, dba FIRST PREMIER DRYWALL AND PAINT, License No. 37240

Licensee was present with counsel, Ronald Truman, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Respondent's financial statement received at the Board offices on October 31, 2006.

The following Licensee Exhibits were entered:

Exhibit A – A Notice of Voluntary Dismissal entered by Centennial Group, Inc. filed August 5, 2006.

Exhibit B – A Balance Sheet for Summit Drywall & Paint, LLC

Exhibit C – A letter from the Office of the Labor Commission dated September 7, 2006.

Exhibit D – A letter from the Office of the Labor Commission dated January 10, 2006.

Hearing Officer Filios found Respondent Summit Drywall & Paint, LLC, Gilbert Mario Dow, Manager, license number 54669, guilty of violation of NRS 624.302(5) failure to respond to written request from Board; NRS 624.302(6) failure to comply with written request by Board; NRS 624.3013(4) failure to keep bond in force for full period required by Board; NRS 624.3011(1)(b)(2) disregard of labor laws of State; NRS 624.3011(1)(b)(4); disregard of laws regarding industrial insurance; and NRS 624.3013(5), as set forth in NRS 624.300 failure to comply with order directed by Board. The First, Second, Fourth and Ninth Causes of Action were dismissed. Respondent was assessed fines of \$250.00 for each of the Third, Fifth and Sixth Causes of Action; a fine of \$100.00 for the Seventh Cause of Action; and a fine of \$50.00 for the Eighth Cause of Action for a total fine of \$900.00. The investigative costs were assessed in the amount of \$3,749.00. Fines and costs are to be paid within sixty (60) days of the November 8, 2006 Board Hearing. Respondent has 100 days from the November 8, 2006 hearing to provide to the Board a current financial statement that supports the license limit, a new license bond and to submit to a Business Review. If Respondent does not comply, license number 54669, Summit Drywall & Paint, LLC shall be Revoked.

ADJUDICATING BOARD MEMBER: RANDY SCHAEFER

4. DISCIPLINARY HEARING:

AMERICAN PREMIERE, INC., License No. 51594

AMERICAN PREMIERE HOMES AND DEVELOPMENT, License No. 42749

T & R PAINTING & DRYWALL, INC., License Nos. 57463, 48191 and 37257

Licensee was present with counsel, Diana Sullivan, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – A Cumulative Exhibit:

May 30, 2006, Technical Drainage Study, Addendum #1, Dominion Estates-Perimeter Wall.

August 4, 2006, letter to Phase One Consulting Engineers, LLC from Clark County, Nevada, Department of Development Services regarding completion of review of Drainage Study.

August 29, 2006, letter to Clark County, Nevada, Department of Development Services from Phase One consulting Engineers, LLC, providing progress report.

American Premiere Home's Response to Plaintiffs' Motion to Enforce Settlement Agreement which sets forth American Premiere's efforts and status of moving the subject wall.

September 11, 2006, District Court Minutes, regarding Hayes vs Estela Vaden, denying Plaintiffs' Motion to Enforce the Settlement Agreement and Request for Injunctive Relief.

September 2006, Technical Drainage Study Update, Addendum #1, Dominion Estates-Perimeter Wall.

Exhibit B – Two (2) letters to homeowners and a site map.

This matter was continued for 60 days.

5. DISCIPLINARY HEARING:

GURROLA TILE, License No. 31505

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer dismissed the complaint against Respondent Richard Paul Gurrola, dba Gurrola Tile, license number 31505 contingent upon restitution being made to Mr. Karacsonyi in the amount of \$2,301.50 by Friday, November 10, 2006.

6. DISCIPLINARY HEARING:

WIZARD CUSTOM HOMES, LLC, License No. 55290

Licensee was not present and was not represented by counsel.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – A cumulative exhibit to include a copy of the Niles/Rolyn contract with change orders, invoices and payments made to Respondent.

Hearing Officer Schaefer found Respondent Wizard Custom Homes, LLC, Sharon Hope Miller, Manager, license number 55290 guilty of violation of NRS 624.3017(1) substandard workmanship; 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 respond to written request from Board; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(5), as set forth in NRS 624.600 failure to provide required disclosures; NRS 624.3013(3) failure to establish financial responsibility; and NRS 624.302(6) failure to comply with written request by Board. License number 55290, Wizard Custom Homes, LLC was Revoked. Respondent was assessed fines of \$1,000.00 for each of the First, Second, Third, Fourth, Fifth, Sixth and Seventh Causes of Action and a fine of \$100.00 for the Fourth Cause of Action for a total fine of \$6,100.00. The investigative costs were assessed in the amount of \$1,967.00. Ms. Miller was ordered to pay restitution to Niles/Rolyn in the amount of \$8,275.75.

7. DISCIPLINARY HEARING:

ALTERNATIVE REFRIGERATION, HEATING & AIR CONDITIONING, License No. 40013

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Edmund Fredrick Kotoch, dba Alternative Refrigeration, Heating & Air Conditioning, license number 40013 guilty of violation of NRS 624.3012(2) failure to pay any money when due and NRS 624.302(5) failure respond to written request from Board. Respondent was assessed fines of \$100.00 for each of the First and Second Causes of Action for a total fine of \$200.00. The investigative costs were assessed in the amount of \$1,640.00. Mr. Kotoch was ordered to pay restitution in the amount of \$16,944.12 plus accrued interest to Heating and Cooling Supply, Inc. in monthly installments of \$1,000.00. If restitution is timely paid, fines and costs shall be waived by the Board. If restitution is not timely paid, license number 40013, Edmund Fredrick Kotoch, dba Alternative Refrigeration, Heating & Air Conditioning shall be Suspended.

8. DISCIPLINARY HEARING:

CUSTOM CUT, INC., License Nos. 57045, 49355

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Custom Cut, Inc., Roman Iwan Jaworsky, President, license numbers 57045 and 49355, guilty of violation of NRS 624.3012(2) failure to pay money when due; Two (2) violations of NRS 624.3012(1) diversion of money; Two (2) violations of NRS 624.302(5) failure to respond to written request by Board; NRS 624.3013(5), as set forth in NAC624.640(5) failure to include license number and monetary license limit on contracts; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3018(2) certain persons prohibited from serving as officer, director, associate or partner of licensee; NRS 624.3013(5), as set forth in NRS 624.300 failure to comply with an order directed by Board; NRS 624.3012(3) failure to obtain discharge of lien against property within 75 days after recording of lien; and NRS 624.3012(1) diversion of money. The Third and Eighth Causes of Action were dismissed. Respondent was assessed fines of \$500.00 for each of the First, Second, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh and Twelfth Causes of Action for a total fine of \$5,000.00. The investigative costs were assessed in the amount of \$2,908.00. Mr. Jaworsky was ordered to pay restitution to all damaged parties prior to consideration of relicensure.

9. DISCIPLINARY HEARING – DEFAULT ORDERS:

JEFFS CONCRETE, LICENSE NO. 33778

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Jeffrey Wardell Freeman, dba Jeffs Concrete, license number 33778, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Freeman was found guilty of violation of NRS 624.3017(1) substandard workmanship; NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include license number and monetary license limit on contracts; and NRS 624.3013(3) failure to establish financial responsibility. License number 33778, Jeffrey Wardell Freeman, dba Jeffs Concrete was Revoked. Mr. Freeman is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,672.00 and any expenses that may be paid out of the Residential Recovery Fund.

WINNERS CARPET & SUPPLIES, INC., LICENSE NO. 47455

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Winners Carpet & Supplies, Inc., Javier Valerio Nevarez, President, license number 47455, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Nevarez was found guilty of violation of NRS 624.302(2) Failure to comply with written citation issued within time permitted for compliance and NRS 624.3013(4) failure to keep bond in force for full period required by Board. License number 47455, Winners Carpet & Supplies, Inc. was Revoked. Mr. Nevarez is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$1,616.00 and any expenses that may be paid out of the Residential Recovery Fund.

R J DEVELOPMENT, LICENSE NO. 40727

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Schaefer found Respondent Robert Craig McNeill, dba R J Development, license number 40727, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. McNeill was found guilty of violation of NRS 624.301(1) abandonment without legal excuse of any construction project engaged in by licensee as contractor; three (3) violations of NRS 624.302(5) failure to respond to written request from Board; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; NRS 624.3016(5), as set forth in NRS 624.600 failure to provide required disclosures; two (2) violations of NRS 624.3016(1) any fraudulent act committed in capacity of a contractor; NRS 624.301(4) failure without legal excuse to prosecute construction project with reasonable diligence; 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; NRS 624.301(2) abandonment of construction project when percentage of project completed is less than percentage of total price of contract paid to contractor; NRS

624.3013(3) failure to establish financial responsibility; and NRS 624.302(6) failure to comply with written request by Board. License number 40727, Robert Craig McNeill, dba R J Development was Revoked. Mr. McNeill is required to pay full restitution to the damaged parties and reimburse the Board for Investigative costs of \$2,944.00 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 Schaefer at 11:43 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Spiridon Filios, Hearing Officer

Randy Schaefer, Hearing Officer