

JIM GIBBONS
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

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



STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
May 23, 2007**

LAS VEGAS
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Henderson, Nevada 89074
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RENO
9670 Gateway Drive, Suite 100
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Investigations (775) 688-1150

CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 900 a.m., Wednesday, May 23, 2007, 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. Guy Wells
Mr. Jerry Higgins

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

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

Ms. Grein stated the agenda was posted in compliance with the open meeting law on May 16, 2007, 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: JERRY HIGGINS

1. DISCIPLINARY HEARING:

RE-BATH OF LAS VEGAS, LLC, LICENSE NOS. 57470 and 57471

Licensee was present with counsel, Bradley Ballard, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Documents relative to the Stafford Complaint.

Exhibit 3 – Documents relative to the Allen Complaint.

Hearing Officer Wells found Respondent Re-Bath of Las Vegas, LLC, Mary Louise Fesler, Raymond Joseph Fesler and Raymond Andrew Fesler, Manager Members, license numbers 57470 and 57471, 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 624.3015(1) acting beyond scope of license; two violations of NRS 624.3015(3) entering into a contract with a unlicensed contractor or bidding to contract in excess of his limit or beyond his scope; two (2) violations of NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; two (2) violations of NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; two (2) violations of NRS 624.3016(5), as set forth in NRS 624.600 failure to comply with NRS 624.600; two (2) violations 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; and one (1) violation of NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State. Ms. Fesler, Mr. Raymond and Stephen Fesler were assessed fines of \$500.00 each for the First, Second, Ninth and Tenth Causes of Action for total fines due of \$2,000.00. No fines were assessed for the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth and Seventeenth Causes of Action. The Eighteenth Cause of Action was dismissed. The investigative costs were assessed in the amount of \$2,464.00. Said fines and costs shall be paid within sixty (60) days from the May 23, 2007 hearing or license numbers 57470 and 57471 shall be suspended. The Respondents shall make restitution to Bill and Diana Stafford in the amount of \$8,000.00 within sixty (60) days from the May 23, 2007 hearing or license numbers 57470 and 57471 shall be suspended. The Respondents shall declare the balance owed on the Bob and Waynell Allen contract to be paid in full and shall pay \$1,200.00 toward for repairs to the residence within sixty (60) days from the May 23, 2007 hearing or license numbers 57470 and 57471 shall be suspended. The Respondents were ordered to not hire unlicensed contractors and immediately cease and desist offering to perform services or actively performing services which are outside the scope of Respondent's licenses. The Respondent shall submit to a Business Review within ninety (90) days from the May 23, 2007 hearing. Failure to submit to the Business Review or to timely reimburse the Board for the cost of the Business Review will result in the suspension of license numbers 57470 and 57471. Once fines, costs and restitution are paid, Respondent's new license application will be considered.

2. DISCIPLINARY HEARING:

U.S. STONE SERVICES, LICENSE NO. 58240

Licensee was not present but was represented by counsel, Jeffrey Shaner, Esq.

The following Agency Exhibits were entered:

Exhibit 1 - Board Hearing File.

Exhibit 2 - A breakdown of costs and expenditures submitted by Ken Peterson.

The following Respondent's exhibits were entered:

Exhibit A – A cumulative exhibit to include:

- Peterson proposal
- Check #4401 from Peterson to Respondent
- Project drawings and measurements
- Invoices and purchase orders
- Fax communication from Peterson to Flat River Insurance
- A letter from Capitol Insurance to Respondent
- A letter to Capitol Insurance from Respondent
- A letter from Respondent to Peterson

Hearing Officer Wells found Respondent U.S. Stone Services, Shlomo Perez, President, license number 58240, 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 for 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(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(4) failure to keep bond in force. Mr. Perez was assessed fines of \$1,000.00 for each of the First, Second, Third, Fourth and Fifth Causes of Action for total fines due of \$5,000.00. The investigative costs were assessed in the amount of \$1,950.00. The Respondent shall make restitution to Ken Peterson in the amount of \$8,600.00 with thirty (30) days of the May 23, 2007 hearing or license number 58240 shall be revoked. Fines and costs shall be paid within thirty (30) days of the May 23, 2007 hearing or license number 58240 shall be revoked.

3. DISCIPLINARY HEARING:

JAEHN CONSTRUCTION WEST, LICENSE NO. 19223

FRAMERS OF NEVADA, LICENSE NO. 19224

Licensee was present with counsel, Jay Moran, III, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File

Exhibit 2 – A copy of the plans for the block wall at the Harris residence

Exhibit 3 – A notarized letter from Harris giving permission for Robert Fryburger to act on her behalf

Exhibit 4 – A Clark County Building Department Notice of Violation on the Harris project

Exhibit 5 – Two (2) photos of the Harris Project taken by Board Investigator Ernie Talavera on May 21, 2007

Exhibit 6 – Two (2) photos of the Harris Project taken by Board Investigator Ernie Talavera on May 21, 2007

The following Respondent's exhibits were entered:

Exhibit A – Documents pertaining to the Harris complaint and the Respondent's financial statement

Hearing Officer Wells hereby ordered that the Respondent shall complete the Harris project within 45 days from the May 23, 2007 hearing. Harris shall pay the balance due of \$7,000.00 on the contract. The Respondent shall make restitution to Ara Avanness, dba Chez Moi in the amount of \$20,000.00 in four (4) monthly installments of \$5,000.00 per month commencing within thirty (30) days of the May 23, 2007 hearing. Respondent was ordered to apply for a C-18 (Masonry) license. The matter was continued to July 26, 2007 for final disposition.

4. DISCIPLINARY HEARING:

HARRISON LANDSCAPE COMPANY, LICENSE NO. 44938

HARRISON DOOR COMPANY, LICENSE NOS. 16965 and 41634

HARRISON BUILDING PRODUCTS, LICENSE NO. 43676

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit A – statement of fact from Harrison Landscape

Exhibit 2 – Exhibit #2 – A fax from Turf Equipment Company with a copy of a check and a revised amount owed

The following Respondent's exhibits were entered:

Exhibit A – A Statement of Facts

Exhibit B – A copy of a Judgment and a copy of a Notice of Entry of Judgment on Case No. A492623 in District Court, Clark County, Nevada.

Hearing Officer Wells found Respondent Harrison Landscape Company, Harrison Door Company and Harrison Building Products, Robert Harry Burnham, President, license numbers 44938, 16965, 41634 and 43676, guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; 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(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. However, no fines or investigative costs were assessed. Hearing Officer Wells accepted the voluntary surrender of license numbers 44938, 16965, 41634 and 43676, Harrison Landscape Company, Harrison Door Company and Harrison Building Products.

5. DISCIPLINARY HEARING:

DISTINCTIVE CARPETS, INC., LICENSE NO. 31569

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File

Exhibit 2 – Ameritile invoices and work orders for dates January 5, 2006 and March 1, 2006

Exhibit 3 – Respondent's credit application from Ameritile plus a statement with attached invoices and work orders

The following Respondent's Exhibits were entered:

Exhibit A – A cumulative exhibit pertaining to the Ameritile complaint and the Tuscany Collection complaint

Hearing Officer Wells found Respondent Distinctive Carpets, Inc., Robert Harry Burnham, President, 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 624.3013(4) failure to keep bond in force; 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. No fines or investigative costs will be assessed if Respondent makes restitution to Ameritile, Inc., in the amount of \$4,153.00 within thirty (30) days from the May 23, 2007 hearing. Hearing Officer Wells accepted the surrender of license number 31569, Distinctive Carpets, Inc.

6. DISCIPLINARY HEARING:**SHENG YOUNG CHUNG**, LICENSE NO. 34443**FOAMTECH, INC.**, LICENSE NO. 32690

Licensee was present with counsel, Evan James, Esq.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Sheng Young Chung, dba Sheng Young Chung, license number 34443 and Foamtech, Inc., license number 32690, Sheng Young Chung, President, guilty of one (1) violation of NRS 624.3015(2) contracting with an unlicensed contractor; one (1) violation of NRS 624.3014(2)(a) and (b) aiding or abetting an unlicensed person to evade the provisions of this chapter and conspiring with an unlicensed person. Mr. Chung was assessed fines of \$500.00 for each of the First and Second Causes of Action for total fines due of \$1,000.00. The Third and Fourth Causes of Action were dismissed without prejudice. The investigative costs were assessed in the amount of \$2,071.00. Fines and costs are to be paid within thirty (30) days of the May 23, 2007 hearing or license numbers 34443 and 32690 shall be suspended.

7. DISCIPLINARY HEARING:**LOOKING GLASS, INC.**, LICENSE NO. 33885

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Looking Glass, Inc., license number 33885, Nancy Ann Clawson, President, guilty of two (2) violations of NRS 624.3012(2) willful failure to pay any money when due for materials or service; two (2) violations of NRS 624.302(5) failure to comply with a written request by the Board; 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 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board in writing within 30 days of the change of address. No fines were assessed for the violations. The investigative costs were assessed in the amount of \$1,862.00. The Respondent shall make restitution to Korte Construction Co. in the amount of \$9,000.00. Hearing officer Wells accepted the voluntary surrender of license number 33885, Looking Glass, Inc.

8. DISCIPLINARY HEARING – DEFAULT ORDERS:**BETHANY TILE & COPING, INC.**, LICENSE NO. 46548A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Bethany Tile & Coping, Inc., Gregory Wayne Bethany, President, license number 46548A, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Bethany 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 the 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(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Mr. Bethany was assessed fines of \$500.00 for each of the First, Second, Third, Fourth, Fifth and Sixth Causes of Action for total fines due of \$3,000.00. Investigative costs were assessed in the amount of \$1,539.00. License number 46548A, Bethany Tile & Coping, Inc., was revoked. Mr. Bethany is required 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 reconsideration of future licensure.

CREATE A CRETE, LICENSE NO. 59462

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Christopher James Darling, dba Create a Crete, license number 59462, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Darling 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 624.3013(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(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 NRS 624.700(1)(a) and (b) it is unlawful for any person to act in the capacity of a contractor or to submit a bid on a job without having an active license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Mr. Darling was assessed fines of \$500.00 for each of the First, Second, Third, Fourth, Fifth and Sixth Causes of Action for total fines due of \$3,000.00. Investigative costs were assessed in the amount of \$1,864.00. License number 59462, Christopher James Darling, dba Create A Crete, was revoked. Mr. Darling is required 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 reconsideration of future licensure.

J. A. W. S. CONSTRUCTION, INC., LICENSE NO. 56682

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent J. A. W. S. Constructions, license number 56682, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Corrao was found guilty of one (1) violation of NRS 624.3015(2) bidding in excess of the limit placed on the license by the Board; one (1) violation of NRS 624.3013(4) failure to keep bond in force; 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; 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 624.302(2) failure to comply with an order of the Board. Mr. Corrao was assessed fines of \$500.00 for each of the First, Second, Third, Fourth, Fifth and Sixth Causes of Action for total fines due of \$3,000.00. Investigative costs were assessed in the amount of \$1,420.00. License number 56682, J.A.W.S. Construction, Inc., was revoked. Mr. Corrao is required 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 reconsideration of future licensure.

SHARP HOME IMPROVEMENT, LLC. LICENSE NO. 59566

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Wells found Respondent Sharp Home Improvement, LLC, license number 59566, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Fox was found guilty of two (2) violations of NRS 624.3017(1) substandard workmanship; ten (10) violations of NRS 624.3013(5), as set forth in NAC 624.700(3)(a) failure to comply with Board's Notice to Correct; eleven (11) violations of NRS 624.3016(5), as set forth in NRS 624.600 failure to comply with NRS 624.600; two(2) violations of NRS 624.3015(1) acting beyond scope of license; ten (10) violations of NRS 624.301(5) failure to comply with the terms of the construction contract, thereby causing material injury to another; nine (9) violations of NRS 624.302(5) failure to comply with a written request by the Board; two (2) violations of NRS 624.3012(2) willful failure to pay any money when due for materials or service; eight (8) violations of NRS 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; one (1) violations of NRS 624.3013(5), as set forth in NAC 624.650(1) a licensee shall not permit his business to be operated by an unlicensed person; one (1) violation of NRS 624.3014(2)(a), (b), (c) and (d) aiding or abetting an unlicensed person to evade the provisions of this chapter; combining or conspiring with an unlicensed person to perform an unauthorized act; allowing a license to be used by an unlicensed person; acting as agent, partner or associate of an unlicensed person; one (1) violation of NRS 624.305(1) no license may be used for any purpose by any person other than the person to whom license is issued; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Mr. Fox was assessed a fine of \$29,000.00. Investigative costs were assessed in the amount of \$7,793.00. License number 59566, Sharp Home Improvement, LLC, was revoked. Mr. Fox is required 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 reconsideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Wells at 1:57 p.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Guy Wells, Hearing Officer