

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



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

www.nscb.state.nv.us

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

STATE CONTRACTORS BOARD

**MINUTES OF THE MEETING
August 22, 2007**

CALL TO ORDER:

Hearing Officer King called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, August 22, 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. Bruce King

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
Mr. David Brown, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on August 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: BRUCE KING

1. DISCIPLINARY HEARING: (Continued from December 13, 2006)

ADVANCED ARCHITECTURAL METALS, LICENSE NOS. 45072, 56031

Licensee was not present, James L. Zemelman, Esq. was present, however he left the Hearing at approximately 8:50 a.m. after his request for a continuance was denied.

The following Agency Exhibits were entered:

Exhibit 3 – A letter from Respondent's counsel, James Zemelman, Esq., dated August 8, 2007, with a waiver and release from A Strip Center.

Exhibit 4 – Correspondence from the Southwest Regional Council of Carpenters dated February 2, 2007.

Exhibit 5 – Certified documentation from the State Board of Dental Examiners dated July 20, 2007.

Testimony and evidence was taken. Hearing Officer King took the matter under review and will render his decision.

DISCIPLINARY HEARING – DEFAULT ORDERS:**a. T. C. M. CONSTRUCTION SERVICES, INC., dba CORNERSTONE ROOFING CO., LICENSE NO. 55659**

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent T. C. M. Construction Services, Inc., dba Cornerstone Roofing Company, Travis Richard McCormick, President, license number 55659, in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. McCormick was found guilty of two (2) violations of NRS 624.3012(2) willful failure to pay any money when due for materials or service; 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. License number 55659, T.C.M. Construction Services, Inc., dba Cornerstone Roofing Co. was revoked. Mr. McCormick was assessed a fine of \$750.00 for each of the First and Second Causes of Action and a fine of \$250.00 for each of the Third and Fourth Causes of Action for total fines due of \$2,000.00. Investigative costs were assessed in the amount of \$2,306.00. Mr. McCormick is required to make restitution to Roofing Wholesale Company Inc. in the amount of \$5,592.73 and to Southern Nevada Roofing Supply in the amount of \$22,893.73. Mr. McCormick is required to pay full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential and Recovery fund plus fines and investigative costs prior to consideration of future licensure.

b. DICK ARRIOLA AIR CONDITIONING & SHEET METAL, LICENSE NO. 24160

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Russell Dick Arriola, dba Dick Arriola Air Conditioning & Sheet Metal, license number 24160 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Arriola was found guilty of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; NRS 624.302(1)(a) contracting or submitting a bid if license has been suspended or revoked; NRS 624.3011(1)(b)(1) willful disregard of the building laws of the State; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund notice to owner; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify Board of change of address or personnel. License number 24160, Dick Arriola Air Conditioning & Sheet Metal was revoked. Mr. Arriola was assessed fines of \$1,000.00 for each of the First and Second Causes of Action, \$500.00 for the Second Cause of Action, \$100.00 for the Fourth Cause of Action and a fine of \$250.00 for each of the Fifth and Sixth Causes of Action for total fines due of \$3,100.00. Investigative costs were assessed in the amount of \$1,237.00. Mr. Arriola is required to pay full restitution to the damaged parties and reimburse the Board for any monies paid out of the Residential Recovery funds plus fines and investigative costs prior to consideration of future licensure.

c. CUSTOM CUT, INC., LICENSE NOS. 57045 and 49355

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer King found Respondent Custom Cut, Inc., Roman Iwan Jaworsky, President, license numbers 57045 and 49355 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Mr. Jaworsky was found guilty of violation NRS 624.3013(5), as set forth in NRS 624.300 failure to comply with an order from the Board. License numbers 57045 and 49355, Custom Cut, Inc., were revoked. Mr. Jaworsky was assessed a fine of \$1,000.00 for the First Cause of Action. Investigative costs were assessed in the amount of \$1,226.00. Mr. Jaworsky is required to make full restitution to all damaged parties and reimburse the Board for any monies 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 King at 10:25 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Bruce King, Hearing Officer