

JIM GIBBONS
Governor

STATE OF NEVADA



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MEMBERS
Kevin E. Burke, Acting Chairman
Michael Efstratis
John C. Ellison
Jerry Higgins
Nathaniel W. Hodgson, III
William "Bruce" King
Stephen P. Quinn

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING November 18, 2009

CALL TO ORDER:

Hearing Officer Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, November 18, 2009, 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. Kevin Burke, Acting Chairman
Mr. Jerry Higgins, 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
Mr. Chris Denning, Deputy Director of Investigations

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 November 12, 2009 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: KEVIN BURKE

1. DISCIPLINARY HEARING:

LEISURE LAWN, INC., License No. 59951

Licensee was present.

Three witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3017(1) substandard workmanship, the Second Cause of Action was dismissed. Respondent was not assessed any fines or investigative costs. Respondent is required to make restitution to Francine Pollick in the amount of \$2,200.00 within thirty (30) days of the November 18, 2009 Board Hearing, or license number 59951, Leisure Lawn Inc., will be suspended.

2. DISCIPLINARY HEARING:

CHRISTOPHER HOMES, LLC., License No. 51938

J.CHRISTOPHER STUHMER, INC., License No. 21076

CHRISTOPHER COMMERCIAL, LLC., License No. 57851

Licensee was present with counsel, Frank Flansburg, Esq.

Two witnesses testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Respondent's Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint.

Exhibit B – A binder that included seven (7) exhibits, (Parts 1-7)

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and 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 for the First Cause of Action and investigative costs in the amount of \$2,503.00. Respondent is to provide additional and supplemental information to the financial statement with a bank verification form or provide a reviewed/audited financial statement. Fines, costs, additional and supplemental information must be paid within thirty (30) days of the November 18, 2009 Board Hearing, or license number 57851, Christopher Commercial, LLC, license number 21076, J. Christopher Stuhmer, Inc., and license number 51938, Christopher Homes, LLC shall be suspended.

3. DISCIPLINARY HEARING: (Stipulated Revocation)

a. TORI SI STABEN, OWNER, dba STABEN PAINTING, License No. 46782

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent's Exhibits were entered:

Exhibit 2 – Respondent's correspondence dated October 27, 2009 stipulating to the revocation of the license.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3011(1)(b)(4) willful disregard of the industrial insurance laws of the State, one (1) violation of NRS 624.3013(4) failure to keep bond in force, and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$1,242.00. License number 46782, Tori Si Staben, dba Staben Painting 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. DISCIPLINARY HEARING: (Stipulated Revocation)

THOMAS HENRY DUBE, dba THOMAS DUBE CONSTRUCTION & DEVELOPMENT, License No. 41872

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent's Exhibits were entered:

Exhibit 2 – Respondent's correspondence dated October 28, 2009 stipulating to the revocation of the license.

Hearing Officer Burke 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 the Board's Notice to Correct; one (1) violation of NRS 624.3014(2)(a)(b)(c)(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 624.3015(2): bidding in excess of the limit placed on the license by the Board; one (1) violation of NRS 624.3013(5) as set forth in NAC 624.640(5) failure for licensee in any material respect to include in all bids and contracts the license number and monetary limit placed on the license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$3,000.00 and investigative costs in the amount of \$2,160.00. License number 41872, Thomas Henry Dube, dba Thomas Dube Construction & Development 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.

4. DISCIPLINARY HEARING: DEFAULT ORDERS:

a. THOMAS ALAN JELINEK dba PAHRUMP VALLEY GRANITE, License No. 60134

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Burke found Respondent Thomas Alan Jelenek dba Pahrump Valley Granite, license number 60134, Thomas Alan Jelinek, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Jelinek was found guilty of one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board and one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,061.00. Respondent was 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. EMPIRE TILE dba EMPIRE TILE AND STONE, License Nos. 53544, 53800

Licensee was not present

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Burke found Respondent Empire Tile, dba Empire Tile and Stone, license numbers 53544 and 53800, Robert William Zagby, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Zagby was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and 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 for the First Cause of Action and investigative costs in the amount of \$1,235.00. License numbers 53544 and 53800 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.

c. ROBERT DAVID KAHRE dba PRODUCTION PLUMBING AND AIR CONDITIONING, License no. 45606

BOBBY K'S HOME CARE SERVICE, INC., dba WRIGHT PAINTING AND DRYWALL, License No. 26399

ROBERT DAVID KAHRE dba PRODUCTION ELECTRIC,, License No. 49752

ROBERT DAVID KAHRE, dba UNION PACIFIC CONSTRUCTION, License Nos. 50528 and 50529

ROBERT DAVID KAHRE dba UNION PACIFIC CONSTRUCTION, License No. 59254

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Burke found Respondent Robert David Kahre, dba Production Plumbing and Air Conditioning, license number 45606, William Aylesworth Whitney, Qualified Individual, Bobby K's Home Care Service, Inc., dba Wright Painting and Drywall, license No. 26399, Robert David Kahre, President and Qualified Individual, Robert David Kahre, dba Production Electric, license number 49752, Richard John Poser, Qualified Individual, Robert David Kahre, dba Union Pacific Construction, License numbers 50528 and 50529, Jerry Del Williams, Qualified Individual, Robert David Kahre, dba Union Pacific Construction, license number 59254 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Kahre was found guilty of one (1) violation of NRS 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.3016(2) conviction of a felony relating to the practice of a contractor; one (1) violation of NRS 624.3013(5) as set forth in NRS 624.265(1) an applicant for a contractor's license licensed contractor and each officer, director, partner and associate must possess good character. Lack of character may be established by showing that any act committed would be ground for denial, suspension, or revocation of a license, or a bad reputation for honesty and integrity; one (1) violation of NRS 624.3013(4) failure to keep bond in force; 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 total fine of \$6,000.00 and investigative costs of \$3,170.00. License numbers 45606, 26399, 49752, 50528, 50529, and 59254 were revoked. Respondent was 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. GOOD GUYS HEATING& COOLING, INC., License No. 65078

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Burke found Respondent Good Guys Heating and Cooling, Inc., license number 65078, Joseph Michael Derkas, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Derkas was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a total fine of \$1,000.00 and investigative costs of \$1,625.00. License number 65078, Good Guys Heating & Cooling, Inc. was revoked. Respondent was 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. TRIANGLE ELECTRIC, INC., License No. 21226

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Burke found Respondent Triangle Electric, Inc., License number 21226, Helen Whipple, President, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Ms. Whipple was found guilty of one (1) violation of NRS 624.3011(1)(b)(4) willful disregard and violation of the industrial insurance laws of the State and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,500.00 and investigative costs of \$1,303.00. License number 21226, Triangle Electric, Inc. was revoked. Respondent was 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.

f. A BETTER WAY MAINTENANCE CO., dba A BETTER WAY CONSTRUCTION, License No. 63414

The licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

This matter was continued for thirty (30) days of the November 18, 2009 Board Hearing.

g. LARRY PATRICK CLOUSE, dba LARRY PATRICK CLOUSE, License No. 27343

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing officer Burke found Respondent Larry Patrick Clouse, dba Larry Patrick Clouse, license number 27343, Larry Patrick Clouse, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Clouse 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 and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$2,000.00 and investigative costs of \$1,433.00. License number 27343 was revoked. Respondent was 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.

h. AMERICAN GENERAL CONTRACTORS, LLC., License Nos. 71155, 70507

R. D. M. HOME SERVICES, LLC. dba R. D. M. CONSTRUCTION, License Nos. 67643, 69415, 69416, 69417

Licensee was not present, but was represented by Keith Gregory, Esq.

This matter was continued for thirty (30) days from the November 18, 2009 Board Hearing.

i. SOUTHWEST REBAR, LLC, License no. 62399

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Burke found Respondent Southwest Rebar, LLC., license number 62399, Derek Lee Mulliner, 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. Mulliner was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility and one (1) violation of NRS 624.3013(4) failure to keep bond in force. Respondent was assessed a total fine of \$1,000.00 and investigative costs of \$1,127.00. License number 62399 was revoked. Respondent was 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.

j. SOUTHWEST REINFORCING, INC., License No. 50334

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Burke, found Respondent Southwest Reinforcing, Inc., license number 50334, Derek A., Mulliner, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Mulliner was found guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 and investigative costs of \$1,127.00. License number 50334 was revoked. Respondent was 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.

k. HIGH MARK DEVELOPMENT, LLC. License No. 63855

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

Hearing Officer Burke found Respondent High Mark Development, LLC, license number 63885, Benjamin D. Arave, Manager and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Arave was found guilty of one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine

of \$1,000.00 and investigative costs of \$1,446.00. License number 63885 was revoked. Respondent

was 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 11:02 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kevin Burke, Hearing Officer