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MEMBERS
Guy M. Wells, Chairman
Kevin E. Burke
Michael Efstratis
John C. Ellison
Jerry Higgins
Nathaniel W. Hodgson, III
William "Bruce" King

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING April 29, 2009

CALL TO ORDER:

Hearing Officer Burke called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, April 29, 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, Chairman
Mr. Jerry Higgins
Mr. Nathaniel Hodgson

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. 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 April 23, 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:

NEVAZ CONSTRUCTION COMPANY, LICENSE NO. 63218

NEVAZ CONSTRUCTION COMPANY, INC., dba MILLENIUM CONCRETE, LICENSE NO. 70329

Licensee was not present.

One witness testified for the Board.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Respondent's counsel, R. Christopher Reade, Esq., provided a letter dated April 24, 2009 stipulating to the voluntary revocation of its licenses.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.302(2) failure to comply with a written citation from the Board. Respondent was assessed a fine of \$1,500.00 for the First, Second and Third Causes of Action and investigative costs in the amount of \$2,107.00. License number 63218, Nevaz Construction Company and license number 70329, Nevaz Construction Company, Inc., dba Millenium Concrete 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.

2. DISCIPLINARY HEARING:

IDI ICON DEVELOPMENT, INC., dba ATTAR BUILDERS, LICENSE NO. 56505

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for sixty (60) days.

3. DISCIPLINARY HEARING:

CAMCO PACIFIC CONSTRUCTION COMPANY, INC., LICENSE NO. 55338

Licensee was present with counsel, Dennis Haney, Esq.

Three witnesses testified for the Board.

One witness testified for the Respondent.

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 letter dated April 28, 2009 from Scott Financial Corporation and two (2) flow charts.

Exhibit C – Respondent's Amended and Restated General Construction Agreement with Gemstone Development West, Inc., on the Manhattan West Project.

Hearing Officer Burke found Respondent guilty of one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board. Respondent was assessed a fine of \$500.00 for the First Cause of Action and \$250.00 for the Second Cause of Action and investigation costs of \$3,760.00. Fines and costs are due within thirty (30) days of the April 29, 2009 hearing date or license number 37507 will be suspended.

The license limit has been reduced to \$5,000,000.00 and a reviewed or audited financial statement is to be provided to the Board within sixty (60) days of the April 29, 2009 hearing date. If the financial statement does not support the reduced license limit of \$5,000,000.00, Respondent must work with staff to decrease the limit amount.

4. DISCIPLINARY HEARING – DEFAULT ORDERS

a. J. B. ELECTRIC, INC., LICENSE NO. 55338

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent J.B. Electric, Inc., license number 55338, John Barry Wilson, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Wilson was found guilty of one (1) violation 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 624.301(2) abandonment of construction project when percentage completed is less than percentage of total contract paid; two (2) violations of NRS 624.301(4) failure to prosecute a construction project with reasonable diligence; 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; 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 624.302(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 624.3016(1) any fraudulent act committed in the capacity of a contractor, misrepresentation or omission of a fact; one (1) violation of NRS 624.3013(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$9,000.00 and investigative costs in the amount of \$3,430.00. License number 55338, J. B. 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.

b. PAHRUMP PLUMBING & HEATING, INC., LICENSE NO. 50445A

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Pahrump Plumbing & Heating, Inc., license number 50445A, Troy Russell Young, President and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Young, was found guilty of 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. Respondent was assessed a total fine of \$1,000.00 and investigative costs in the amount of \$1,450.00. License number 50445A, Pahrump Plumbing & Heating, 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.

c. ROYAL FRAMING CONCRETE DIVISION, LLP, dba R. F. CONCRETE, LICENSE NO. 62707

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Royal Framing Concrete Division, LLP, dba R. F. Concrete, license number 62707, William John Loeslin, Partner and Andrew Ray Hitchcock, Partner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Loeslin and Mr. Hitchcock were 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(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. Respondent was assessed a total fine of \$1,500.00 and investigative costs in the amount of \$1,522.00. License number 62707, Royal Framing Concrete Division, LLP, dba R. F. Concrete 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.

d. CORDELL CONSTRUCTION, LICENSE NO. 62897

L. P. DEVELOPMENT, LLC, DBA LANDREVILLE AND PIRES DEVELOPMENT, LICENSE NO. 66584

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter has been continued for sixty (60) days.

e. BILIK OUTDOOR LIGHTING, LICENSE NO. 62196

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Bilik Outdoor Lighting, license number 62196, David Stefan Bilik, Owner and Qualified Individual, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Bilik 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(4) failure to keep bond in force; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a total fine of \$1,250.00 and investigative costs in the amount of \$1,297.00. License number 62196, Bilik Outdoor Lighting, 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. MAX BUTTERWORTH COMPANY, LLC, LICENSE NO. 70175

MAX J. BUTTERWORTH, LICENSE NOS. 33435, 46000

Licensee was not present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Burke found Respondent Max Butterworth Company, LLC, license number 70175, Max J. Butterworth, Manager and Qualified Individual and Max J. Butterworth, license numbers 33435 and 46000, Max J. Butterworth, Owner, in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Mr. Best was found guilty of one (1) violation of NRS 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 not assessed a fine or investigative costs. License number 70175, Max Butterworth Company, LLC and license numbers 33435 and 46000, Max J. Butterworth, 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.

g. CONSTRUCTION SYSTEMS, LICENSE NO. 57077

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

This matter was continued for thirty (30) days.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Higgins at 10:02 a.m.

Respectfully Submitted,

Janet Brinkley, Recording Secretary

APPROVED:

Margi Grein, Executive Officer

Kevin Burke, Hearing Officer