

BRIAN SANDOVAL
Governor

STATE OF NEVADA



STATE CONTRACTORS BOARD

MINUTES OF THE MEETING July 25, 2012

REPLY TO:

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MEMBERS
Kevin E. Burke, Chairman
Thomas "Jim" Alexander
Margaret Cavin
Donald L. Drake
Nathaniel W. Hodgson, III
Stephen P. Quinn
Guy M. Wells

CALL TO ORDER:

Hearing Officer Wells called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, July 25, 2012, 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, Hearing Officer
Mr. Stephen Quinn, Hearing Officer
Mr. Donald Drake, Board Member

STAFF MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. David Brown, Esq., Legal Counsel
Mr. Jonathan Andrews, Esq., Legal Counsel

Ms. Grein stated the agenda was posted in compliance with the open meeting law on July 19, 2012, 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's Internet Website.

ADJUDICATING BOARD MEMBER: GUY WELLS

1. DISCIPLINARY HEARING: (Continued from May 23, 2012 and June 20, 2012)

a. K 1 CONSTRUCTION, INC., License No. 66560

Licensee and Sok Ju Lim were present but were not represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 2 – Respondent's Secretary of State detail as of July 24, 2012.

The following Licensee Exhibits were entered:

Exhibit A - Respondent's Secretary of State reinstatement paperwork.

Hearing Officer Wells 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 624.3013(2) misrepresentation of a material fact. Respondent was assessed a fine of \$1,000.00 each for the First, Second and Third Causes of Action for total fines of \$3,000.00 and investigative costs of \$2,934.00. License number 66560, K 1 Construction, Inc. is suspended. Respondent shall pay the fines and investigative costs within ninety (90) days of the July 25, 2012 hearing. Respondent shall provide a current reviewed or audited financial statement with bank verification forms for all cash accounts that support the license limit within ninety (90) days of the July 25, 2012 hearing. If the financial statement does not support the license limit, the license limit shall be lowered to the amount that the financial statement supports. If the fines and costs are not paid and a current financial statement is not provided within ninety (90) days of the July 25, 2012 hearing, license number 66560, K 1 Construction, Inc. shall be revoked.

ADJUDICATING BOARD MEMBER: STEPHEN QUINN

2. DISCIPLINARY HEARING:

GYULA LASZLO LOVAS, OWNER, dba DECO PLUS PAINTING, License No. 53374

Licensee was present at the hearing but not represented by counsel.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit A – Respondent’s letter to the Board dated June 3, 2012 and received July 3, 2012.

Hearing Officer Quinn 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 Board’s Notice to Correct; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; one (1) violation of NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter; one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of the State. The Third and Seventh Causes of Action were dismissed. Respondent was assessed a fine of \$750.00 each for the First and Fourth Cause of Action; a fine of \$500.00 each for the Second and Fifth Causes of Action; a fine of \$250.00 for the Sixth Cause of Action for total fines of \$2,750.00 and investigative costs of \$1,342.00. Respondent shall make restitution to Raymond and Berta Olson in the amount of \$5,500.00 within in seven (7) days of the July 25, 2012 hearing or license number 53374, Gyula Laszlo Lovas, Owner, dba Deco Plus Painting shall be revoked. Respondent shall pay the fines and investigative costs within thirty (30) days of the July 25, 2012 hearing or license number 53374, Gyula Laszlo Lovas, Owner, dba Deco Plus Painting shall be revoked.

3. DISCIPLINARY HEARING:

RENOVATIONS OF LAS VEGAS, INC., License No. 72107

Licensee was not present at the hearing but was represented by counsel, Eric Dobberstein, Esq. of Hamrick & Evans, LLP.

The following Agency Exhibits were entered:

Exhibit 1 – Board’s Hearing File.

Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.302(1)(a) contracting when the contractor’s license has been suspended; 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) failure to comply with the provisions of this chapter or the regulations of the Board. Respondent was assessed a fine of \$750.00 for the First Cause of Action; a fine of \$50.00 for the Second Cause of Action; a fine of \$100.00 for the Third Cause of Action; a fine of \$250.00 for the Fourth Cause of Action for total fines of \$1,150.00 and investigative costs of \$1,095.00. Respondent shall pay the fines and investigative costs within sixty (60) days of the July 25, 2012 hearing or license number 72107, Renovations of Las Vegas, Inc. shall be revoked.

4. DISCIPLINARY HEARING: (Continued from June 20, 2012)

CASINO ROOFING, INC., License No. 55265

Licensee was present at the hearing but not represented by counsel.

Hearing Officer Quinn continued this matter to June 25, 2012.

5. DISCIPLINARY HEARING: (Continued from June 20, 2012)

KING ROOFING, LLC, License No. 58487

Licensee was present at the hearing but not represented by counsel.

Hearing Officer Quinn continued this matter to July 25, 2012.

6. DISCIPLINARY HEARING:

LEGACY CONSTRUCTION & DEVELOPMENT, INC., License Nos. 43292, 43329, 57454

MESQUITE GENERAL CONTRACTING, INC., License No. 53619

Licensee was present at the hearing and represented by counsel, Barry Clarkson, Esq. of Clarkson, Draper & Beckstrom, LLC.

Hearing Officer Quinn found Respondents guilty of one (1) violation of NRS 624.3013(5), as set forth in NRS 624.263(3) failure to notify the Board of a filing of bankruptcy; one (1) violation of NRS 624.3013(3) 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. The First Cause of Action was dismissed. Fines and costs were not assessed as Respondent Legacy Construction & Development, Inc. is in Chapter 11 bankruptcy. License numbers 43292, 43329 and 57454, Legacy Construction & Development, Inc. and license number 53619, Mesquite General Contracting, Inc. were placed on Probation for six (6) months. Respondents are required to provide current financial statements with bank verification for all cash accounts that support the license limits within six (6) months of the July 25, 2012 hearing. If the Respondents fail to provide financial statements within six (6) months of the July 25, 2012 hearing, license numbers 43292, 43329 and 57454, Legacy Construction & Development, Inc. and license number 53619, Mesquite General Contracting, Inc. shall be revoked.

7. DISCIPLINARY HEARING: (Stipulated Revocation)

WESTERN SIGN AND FLAG, INC., dba STRIPING SOLUTIONS, License Nos. 59306, 74761

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board's Hearing File.

Exhibit 2 – Correspondence from Respondent's attorney, Craig Slater, Esq. dated June 26, 2012 stating that the Respondent is not actively engaged in any construction and stipulating to the revocation of both licenses.

Hearing Officer Quinn 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 624.3013(4) failure to keep in force the bond for the full period required by the Board; 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 each for the First and Second Causes of Action; a fine of \$250.00 for the Third Cause of Action for total fines of \$1,250.00 and investigative costs of \$1,171.00. License numbers 59306 and 74761, Western Sign and Flag, Inc., dba Striping Solutions were revoked. Respondent 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 pay the fines and investigative costs prior to consideration of future licensure.

8. DISCIPLINARY HEARING – DEFAULT ORDERS:

a. Vegas Drywall, LLC, License No. 73647

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Exhibit 2 – Juliana Elda Lee's correspondence to the Board dated July 12, 2012.

Hearing Officer Quinn found Respondent Vegas Drywall, LLC, license number 73647 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of one (1) violation of NRS 624.3011(1)(b)(2) violation of the safety laws or labor laws of the State; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$500.00 each for the First and Third Causes of Action; and a fine of \$250.00 for the Second Cause of Action for total fines of \$1,250.00 and investigative costs of \$1,196.00. Juliana Elda Lee shall be removed as the Managing Member on the license. The Board's Complaint against Juliana Elda Lee shall be dismissed. License number 73647, Vegas Drywall, LLC was revoked. Respondent 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 pay the fines and investigative costs prior to consideration of future licensure.

b. F. RODGERS CORPORATION, License Nos. 58027, 58028, 66818, 67481, 68720, 70719

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent F. Rodgers Corporation, license numbers 58027, 58028, 66818, 67481 and 68720 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found 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 624.3018(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; a fine of \$250.00 for the Second Cause of Action for total fines of \$750.00 and investigative costs of \$1,479.00. License numbers 5807, 58028, 66818, 67481 and 70719, F. Rodgers Corporation were revoked. Respondent 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 pay the 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 Quinn at 11:48 a.m.

Respectfully Submitted,

Melinda Mertz, Recording Secretary

APPROVED:

Margi A. Grein, Executive Officer

Guy M. Wells, Hearing Officer

Stephen Quinn, Hearing Officer