

**BRIAN SANDOVAL**  
Governor

MEMBERS  
Guy M. Wells, Chairman  
Thomas "Jim" Alexander  
Kevin E. Burke  
Margaret Cavin  
Donald L. Drake  
Jan B. Leggett  
Stephen P. Quinn

STATE OF NEVADA



**STATE CONTRACTORS BOARD**

**MINUTES OF THE MEETING  
JANUARY 9, 2013**

**REPLY TO:**

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

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

**CALL TO ORDER:**

Jonathan Andrews, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday **January 9, 2013**, State Contractors Board Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign In Log.

**OTHER BOARD MEMBERS PRESENT:**

Mr. Donald L. Drake  
Mr. Jan B. Leggett

**STAFF MEMBERS PRESENT:**

Ms. Margi A. Grein, Executive Officer  
Ms. Nancy Mathias, Licensing Administrator  
Mr. George J. Lyford, Director of Investigations  
Mr. Daniel Hammack, Chief Enforcement  
Mr. Gary Hoid, Deputy Director of Investigations

**LEGAL COUNSEL PRESENT:**

Louis Ling, Esq., Legal Counsel

The agenda was posted in compliance with the open meeting law **JANUARY 3, 2013** at Reno City Hall, Washoe County Court House and Washoe County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board Internet Website.

**ADMINISTRATIVE LAW JUDGE: JONATHAN ANDREWS**

**1. DISCIPLINARY HEARING: (Continued from November 14, 2012)**  
**RE-BATH OF LAS VEGAS LLC, LICENSE NOS. 57470, 57471, 69348**

Licensee was present.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File

The following Respondent Exhibits were entered:

Exhibit A – Respondent's Answer to the Board's Complaint dated September 27, 2012  
Exhibit B – Respondent's Answer to Board's Amended Complaint dated October 3, 2012  
Exhibit C – A letter dated November 8, 2012 from Respondent's physician, Joshua Nadaud, M.D.  
Exhibit D – Email from Respondent to the Board

Exhibit E – Respondent's answer to the Board's Second Amended Complaint dated December 5, 2012

Exhibit F – Respondent's letter to the Board dated December 6, 2012

Exhibit G – Respondent's letter to the Board dated December 27, 2012

Administrative Law Judge Andrews found the Respondent Re-Bath of Las Vegas LLC, license numbers 57470, 57471 and 69348 guilty of violating NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another; NRS 624.3013(3) failure to establish financial responsibility; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action; NRS 624.3014(1)(a) by acting in the capacity of a contractor under any license issued hereunder except in the name of the licensee as set forth upon the license and NRS 624.3011(1)(b)(1) failure to comply with the building laws of the state. Mr. Fesler was ordered to pay an administrative fine of \$500.00 for the Fifth Cause of Action, \$100.00 for the Eighth Cause of Action and \$1,000.00 for the Ninth Cause of Action for a total fine in the amount of \$1,600.00; assessed investigative fees in the amount of \$3,140.00 to be paid within sixty (60) days or all license numbers will be automatically suspended. The Second, Third and Fourth Causes of Action were dismissed. The First, Seventh and Tenth Causes of Action, Respondent was found guilty but no fines were assessed.

## **2. DISCIPLINARY HEARING:**

### **SAFARI ROCKERIES INC, LICENSE NOS. 73991 & 47025**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

Administrative Law Judge Andrews found the Respondent Safari Rockeries Inc, license numbers 73991 & 47025 in default and adopted the Findings of Fact and Conclusions of Law as set forth in the Administrative complaint. Licensee was found guilty of violating NRS 624.301(1)(a) by abandoning without legal excuse of any construction project; NRS 624.3013(5), as set forth in NRS 624.700(3)(a) failure to comply with the Board's Notice to Correct; NRS 624.301(3) by failing in a material respect on the part of a licensee to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract and NRS 624.301(5) willful failure or refusal to comply with terms of a construction contract or written warranty thereby causing material injury to another; NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner; 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 his license and any monetary limit placed upon his license; NRS 624.3011(2) if a contractor performs construction without obtaining any necessary building permit there is a rebuttable presumption that the contractor willfully and deliberately violated the building laws of this State or of its political subdivisions; NRS 624.3018(2) association of any act or omission constituting a cause for disciplinary action and NRS 624.3013(3) failure to establish financial responsibility. License numbers 73991 and 47025 are revoked. Mr. Rand was ordered to pay a fine of \$1,000.00 for the First Cause of Action, \$50.00 for the Second Cause of Action, \$1,000.00 for the Third Cause of Action, \$50.00 for the Fourth Cause of Action, \$50.00 for the Fifth Cause of Action, \$500.00 for the Sixth Cause of Action, No fine was imposed for the Seventh Cause of Action and \$500.00 for the Eighth Cause of Action for a total fine in the amount of \$3,150.00. Respondent shall pay full restitution to Mr. & Mrs. Miles and reimburse the Board for investigative fees of \$2,021.00.

## **3. DISCIPLINARY HEARING:**

### **GABINO MURILLO HERNANDEZ DBA, HERNANDEZ LAWN CARE & LANDSCAPING, LICENSE NOS. 71149, 71596, 72358**

Licensee was not present.

The following Agency Exhibit was entered:

Exhibit 1 – Board Hearing File

**Administrative Law Judge Andrews found the Respondent Gabino Murillo Hernandez dba, Hernandez Lawn Care & Landscaping, license numbers 71149, 71596 and 72358 guilty of violating NRS 624.301(1)(a) contracting, offering to contract or submitting a bid as a contractor if the contractor’s license has been suspended or revoked and NRS 624.3013(5), as set forth in NRS 624.520(1) failure to provide Residential Recovery Fund Notice to owner. The Second and Third Causes of Action are dismissed. Mr. Hernandez was ordered to pay a fine of \$500.00 for the First Cause of Action and \$100.00 for the Fourth Cause of Action for a total fine in the amount of \$600.00 and assessed investigative fees in the amount of \$1,100.00 to be paid within sixty (60) days or license numbers 71149, 71596 and 72358 will automatically be revoked. Respondent shall remove any and all public advertising relating to its business.**

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned by Administrative Law Judge Jonathan Andrews at 11:15 a.m.

Respectfully Submitted,

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Sandy Diederich, Recording Secretary

APPROVED:

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Margi A. Grein, Executive Officer

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Jonathan Andrews, Administrative Law Judge